

# Gladwin County

## Zoning Ordinance



**Gladwin County Annex Building**

555 W. Cedar Avenue

Gladwin, MI 48624

(989) 426-4787

February 26, 2008

(includes revisions to 11/09/2018)

# Gladwin County Planning Commission

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# Chapter 1 ■ General Provisions

## SECTION 1.1 TITLE

This Ordinance shall be known, cited and referred to as the "Gladwin County Zoning Ordinance".

## SECTION 1.2 AUTHORITY AND ZONING COMMISSION

The Board of Commissioners provides for this Zoning Ordinance pursuant to Public Act 110 of 2006 as amended. This Ordinance hereby establishes a Planning Commission, hereafter known as the Gladwin County Planning Commission.

## SECTION 1.3 PURPOSE

The purpose of this Ordinance shall be to promote the public health, safety, and general welfare by:

- Providing for the orderly development of the County.
- Providing, in the interests of health and safety, conditions under which certain buildings and structures may hereafter be erected and used. Such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers.
- Facilitating the development of an adequate system of transportation, education, sewage disposal, safe and adequate water supply conforming to the requirements of the health department and other public requirements.
- Conserving life, property, and natural resources, and the expenditure of public funds for improvements and services to conform with the most advantageous uses of land, resources, and properties.
- To avoid undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population and regulating and restricting the location of uses and buildings.

## SECTION 1.4 INTENT

This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

## SECTION 1.5 PRIOR REGULATIONS AND REQUIREMENTS OF LAND AND BUILDINGS

The use of any dwelling, building, or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance or any subsequent amendment to this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, provided that this provision does not waive the applicability of any other law or ordinance intended to protect the health, safety, and welfare of the public.

**SECTION 1.6 LEGAL BASIS**

This ordinance is enacted and administered pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act)

**SECTION 1.7 EFFECTIVE DATE**

The County of Gladwin Zoning Ordinance is effective on February 1, 2008.

## Chapter 2 ■ Definitions

For the purpose of this Ordinance, certain terms are herewith defined.

### SECTION 2.1 GENERAL

When not inconsistent with the context, words in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely discretionary. The word "building" includes the word "structure" or vice versa. Terms not herein defined shall have the meaning customarily assigned to them.

### SECTION 2.2 SPECIFIC TERMS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONMENT:** The cessation of a permitted activity in, or a permitted use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, and that has fallen into disrepair or is neglected in some way for a period of twelve (12) months or longer.

**ABOVE GROUND LEVEL (AGL):** A measurement of height from the natural grade of a site to the highest point of a structure.

**ABUTTING:** Having property or district line in common, e.g., two lots are abutting if they have property lines in common.

**ACCELERATED SOIL EROSION:** The increased removal of the land surface that occurs as a result of human activities.

**ACCESS:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway.

**ACCESSORY BUILDING or ACCESSORY STRUCTURE:** Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.

**ACCESSORY USE:** Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.

**ACRE:** A measure of land area containing 43,560 square feet.

**ACTIVITY:** see PERMITTED USE

**ADDITION:** A structure added to the original structure at some time after the completion of the original.

**ADJACENT AREA (AS IT RELATES TO SIGN REGULATIONS):** The area measured from the nearest edge of the right of way of an interstate highway, freeway or primary highway and extending 3,000 feet perpendicularly and then along a line parallel to the right of way line.



**ADJACENT PROPERTY OWNERS:** Those property owners or residents bordering, abutting a corner or across the street from the subject property.

**ADJOINING LOT OR LAND:** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**ADULT DAY CARE:** Adult day care centers provide health services, therapeutic services, and social activities for people with Alzheimer's disease and related dementia, chronic illnesses, traumatic brain injuries, developmental disabilities, and other problems that increase their care needs. Some adult day care centers are dementia specific, providing services exclusively to that population.

**ADULT MEDIA:** Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.

**ADULT MEDIA STORE:** An establishment that rents and/or sells media, and that meets any of the following three tests:

- a. 40 percent or more of the gross public floor area is devoted to adult media.
- b. 40 percent or more of the stock in trade consists of adult media.
- c. It advertises or holds itself out in any form as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

**ADULT MOTION PICTURE THEATER:** An establishment emphasizing or predominately showing sexually oriented movies.

**AFFILIATE:** Means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company; or a co-partner in a limited liability partnership with a licensee or applicant.

**AISLE:** The traveled way by which cars enter and depart parking places.

**ALLEY:** A public thoroughfare that affords only a secondary means of access to abutting property.

**ALTERATION OF BUILDING:** A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

**ALTERNATIVE ENERGY FARM:** A solar connection system or wind energy conversion system or collection of devices or elements which rely upon direct sunlight or wind as an energy source, and where energy produced is for commercial purposes rather than to serve an individual site.

**AMENITY:** A natural or artificial feature that enhances or makes a particular property, more attractive or satisfying.

**ANIMAL (SMALL):** A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other creature that can be kept in a relatively small or confined space and normally treated as a pet.

**ANIMAL HOSPITAL:** see KENNEL

**ANTENNA:** The surface from which wireless radio signals are sent and received by a personal wireless facility.

**APPEAL:** The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

**APPLICANT:** A person or entity submitting an application for review and action by the County or any of its departments or commissions.

**APPROVED PLAN:** A plan that has been granted final approval by the appropriate approving authority.

**APPROVING AUTHORITY:** The agency, board, group, or other legally designated individual or authority that has been charged with review and approval of plans and applications.

**AREA:** see LOT AREA

**ASSEMBLY BUILDING:** A building for the primary purpose of group gatherings of 50 people or more for any purpose.

**ATTACHED:** Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to it.

**ATTACHED SINGLE FAMILY DWELLING:** A single family dwelling unit attached to one or more other single family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature such as a garage or carport, and with such dwelling having its own doors open to the outdoors.

**ATTIC:** That part of a building that is immediately above the ceiling beams of the top story and wholly or partly within the roof framing.

**AUTOMOBILE:** A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

**BANK:** A financial institution.

**BAR:** A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**BASEMENT:** See County of Gladwin adopted building code.

**BED AND BREAKFAST:** A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

**BERM:** An earthen mound of definite height and location designed to serve as an obscuring device in carrying out the requirements of this Ordinance.

**BILLBOARD:** A structure for displaying advertisements in public places.

**BLOCK:** A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

**BOARD OF APPEALS:** The Zoning Board of Appeals of the County of Gladwin.

**BOARD OF COMMISSIONERS:** Board of Commissioners shall mean the Gladwin County Board of Commissioners unless specific use or context indicates a different reference.

**BODY SHOP:** see Vehicle Repair.

**BREADTH:** A measurement of the full width of wireless communication facility device.

**BUFFER:** Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

**BUILDABLE AREA:** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

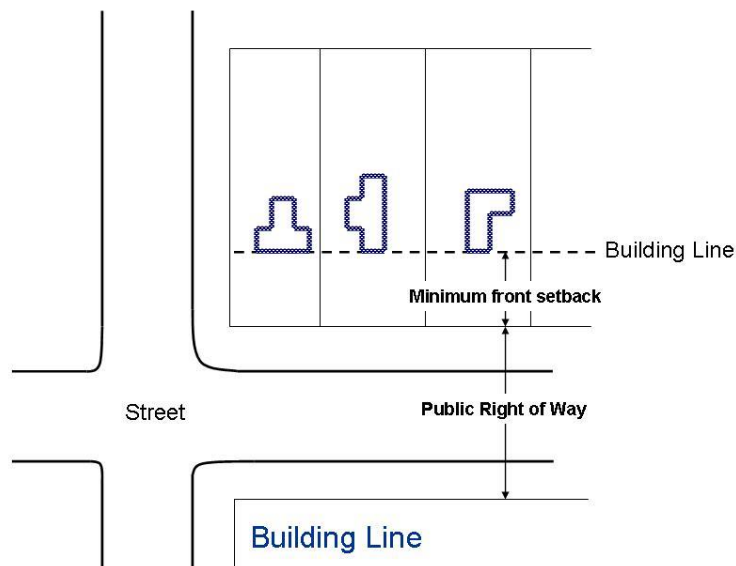
**BUILDING:** A structure erected on-site, a manufactured home, a mobile home or mobile structure, or a premanufactured or precut structure that is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

**BUILDING COVERAGE:** The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING DEPARTMENT:** Building department shall mean the Gladwin County Building and Construction Codes Department unless the specific use or the context indicates a different reference.

**BUILDING HEIGHT:** see HEIGHT OF BUILDING

**BUILDING LINE:** A line formed by the face of the building and, for the purposes of this Ordinance, a minimum building line is the same as a front setback line.



**BUILDING OFFICIAL:** County Staff appointed by the County Manager and licensed pursuant to the State of Michigan's regulation to enforce and administer the County's adopted building code.

**BUILDING PERMIT:** A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, density and with the requirements of all other development codes and Ordinances currently in effect in the County of Gladwin.

**BUSINESS CENTER:** A business center is more than one (1) business on the same parcel.

**BUSINESS SERVICES:** Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

**CALIPER (TREE):** The diameter of a tree trunk measured two feet above grade.

**CAMOUFLAGE:** A building or use that is disguised or hidden.

**CANOPY:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**CAR WASH:** A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

**CARRIER:** A company that provides wireless service.

**CARRY-OUT RESTAURANT:** see DRIVE-IN RESTAURANT/FAST FOOD

**CELLULAR TOWER:** see WIRELESS COMMUNICATION FACILITY

**CEMETERY:** Any publicly or privately owned place for the interment of human remains.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Building Official and Zoning Administrator allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and Ordinances and approved plans and specifications.

**CHILD CARE ORGANIZATION:** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **CHILD CARE CENTER or DAY CARE CENTER** means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. Child Care Center or Day Care Center does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. **FOSTER FAMILY HOME** is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are

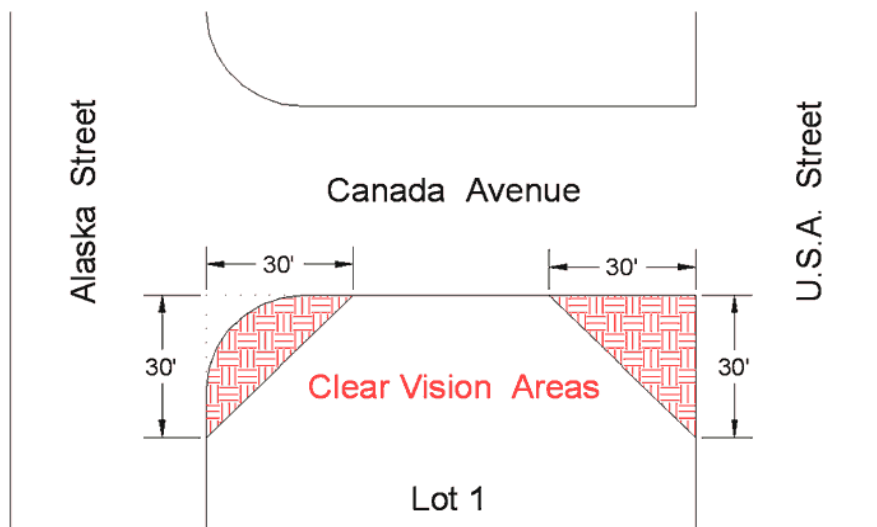
given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

- c. **FOSTER FAMILY GROUP HOME** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. **FAMILY DAY CARE HOME** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. **GROUP DAY CARE HOME** means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**CHURCHES/SYNAGOGUES/MOSQUES:** see INSTITUTION, RELIGIOUS

**CIRCULATION PATTERN:** Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or shipment points.

**CLEAR VISION:** An area thirty (30') feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist above thirty-six (36") inches from established street grades.



**CLUBHOUSE:** A building to house a club or social organization not conducted for private profit, as documented by State or federal records, and that is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

**CLUB/LODGE:** see INSTITUTION, SOCIAL

**CLUSTER:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**COLLOCATION:** The use of a single mount on the ground by more than one telecommunications carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

**COMMERCIAL:** A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

**COMMERCIAL MARIJUANA FACILITY, MARIHUANA FACILITY OR FACILITY:** Means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq, including a marihuana grower, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421, et seq.

**COMMERCIAL RECREATION:** Establishments with the primary purpose of providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

**COMMERCIAL SCHOOL:** A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

**COMMISSION:** The Planning Commission of the County of Gladwin.

**COMMON OPEN SPACE:** Common open space shall mean land within a planned unit development, under the common ownership of all occupants in the planned unit development, to be used for park, recreation, or environmental amenity. These lands shall not include public or private streets, driveways, or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving constituting not more than ten percent (10%) of the total open space.

**CONDOMINIUM:** see PLANNED UNIT DEVELOPMENT

**CONTIGUOUS:** Next to, abutting, or touching and having a common boundary or portion thereof, that is co-terminus.

**CONTRACTOR:** General contractors and builders engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

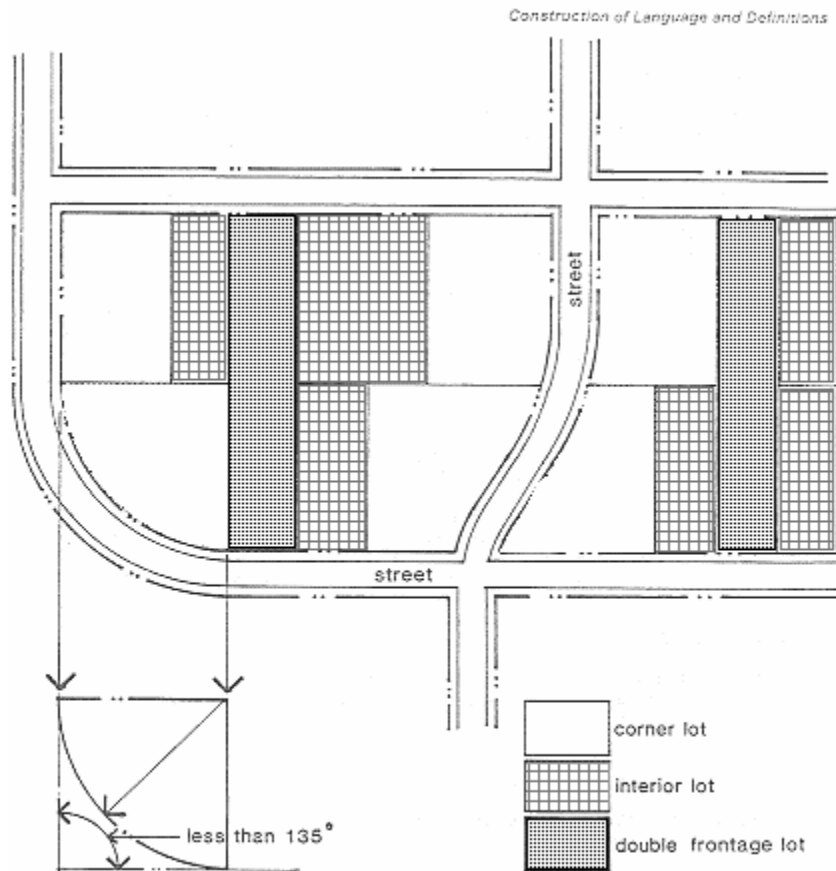
**CONTRACTOR, LANDSCAPE:** Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also

includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

**CONTRACTOR’S STORAGE YARD:** An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor’s storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a “contractor’s storage yard” and will be required to conform to all applicable Zoning District standards and other legislative regulations.

**CONVALESCENT OR NURSING HOME:** see INSTITUTION, HUMAN CARE

**CORNER LOT :** see LOT- Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than one hundred and thirty-five (135°) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lines with the street line, intersect at an interior angle of less than 135 degrees. The outside yard shall be the side yard adjacent to the street.



Corner, Interior & Double Frontage Lots

**COTTAGE INDUSTRY:** An establishment primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards.

Examples of Cottage Industries include: mail order businesses, custom manufacturing, or light automotive and equipment repair.

**COUNTY:** County shall mean Gladwin County unless the specific use or the context indicates a different reference.

**COVERAGE:** see LOT COVERAGE

**CROSS-POLARIZED:** A low mount dual polarized antenna that has three panels flush mounted or attached very close to the shaft.

**DECK:** A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

**DENSITY:** The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

**DENSITY, HIGH RESIDENTIAL:** Fifteen (15) or more dwelling units per acre.

**DENSITY, LOW RESIDENTIAL:** Fewer than five (5) dwelling units per acre.

**DENSITY, MEDIUM RESIDENTIAL:** Five to fifteen (5-15) dwelling units per acre.

**DEVELOPMENT:** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISH SATELLITE SIGNAL-RECEIVING ANTENNAE:** Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit and other extra-terrestrial sources.
- b. A low-noise amplifier (LNA) that is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

**DISTRIBUTION CENTER:** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**DISTRICT:** see ZONE

**DRIVE-IN:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons.

**DRIVE-IN RESTAURANT/FAST FOOD:** A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or



for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

**DUMPSTER:** A container capable of holding a volume of material greater than two (2) cubic yards and used for the purpose of collecting garbage, solid or liquid waste, or refuse of any type.

**DWELLING:** Any building or portion thereof usable exclusively for residential purposes with one or more habitable rooms occupied or intended for occupancy with facilities for living, sleeping, cooking and/or eating. A dwelling is classified as one of the following:

- a. **SINGLE-FAMILY DWELLING:** A building containing not more than one dwelling unit designed for residential use.
- b. **TWO-FAMILY DWELLING (Duplex):** A building containing no more than two separate dwelling units designed for residential use
- c. **MULTIPLE-FAMILY DWELLING:** A building containing three or more dwelling units designed for residential use
- d. **GROUP DWELLINGS (Congregate Living):** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family.

**EASEMENT:** Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

**EAVE:** The projecting lower edges of a roof overhanging the wall of a building.

**EGRESS (EXIT):** An exit from a building or site.

**ELDERLY HOUSING:** see **SENIOR HOUSING**

**ELEVATION, TOPOGRAPHIC:** The measurement of height above sea level.

**ELEVATION, VIEW:** An architectural or engineered rendering of each side of a building for purposes of site plan review.

**EMISSION:** A discharge into the air or water.

**ENGINEERED HOME:** see **MANUFACTURED HOME**

**ENVIRONMENTAL ASSESSMENT (EA):** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in a certain designated area.

**ENVIRONMENTALLY SENSITIVE AREA:** An area with one or more of the following characteristics:



- a. Slopes in excess of twenty (20%) percent
- b. Floodplain
- c. Soils classified as having a high-water table
- d. Soils classified as highly erodible, subject to erosion, or highly acidic
- e. Land incapable of meeting percolation requirements
- f. Land formerly used for landfill operations or hazardous industrial uses
- g. Fault areas
- h. Stream corridors
- i. Estuaries
- j. Aquifer recharge and discharge areas

**EQUIPMENT RENTAL/SALES:** A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

**EQUIPMENT SHELTER:** An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

**ERECTED:** As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving and filling of earth.

**EROSION:** The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission, distribution or collection systems, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith. Essential Services are those that are reasonably necessary to furnish adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but do not include buildings other than the buildings that are primarily enclosures or shelters of the mentioned equipment in this definition. Private wireless communication facilities are not considered Essential Services.

**ESTABLISHMENT:** An economic unit, generally at a single physical location, where business is conducted, or services or industrial operations are performed.

**EXCAVATION:** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

**FALL ZONE:** The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**FAMILY:** A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

**FAMILY DAY CARE HOME:** see CHILD CARE ORGANIZATION

**FAST FOOD RESTAURANT:** see DRIVE-IN RESTAURANT/FAST FOOD

**FENCE:** A fence is an enclosing barrier, which is constructed or planted, in whole or in part, for purpose of denoting a boundary line between parties or to visually create a barrier between adjacent parcels. A fence is a privacy fence, if it shall be so constructed or planted such that more than fifty percent (50%) of the surface area, measured perpendicular to the sides, consists of material which is solid or opaque.

**FIRE STATION:** Public building devoted to the storage and housing of fire equipment and personnel.

**FIREWORKS:** Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks include Class B fireworks and Class C fireworks.

- a. **CLASS B FIREWORKS** These are toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, airplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each and other similar devices.
- b. **CLASS C FIREWORKS.** These are toy smoke devices, toy caps containing not more than twenty-five (25) grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, signal cartridges, sparklers, explosive auto alarms, and other similar devices.

Should the definitions of these items change per the Michigan Penal Code, 1931 PA 328, as amended, the County of Gladwin Zoning Ordinance definitions will change with the State law and must be interpreted as those contained in the State law.

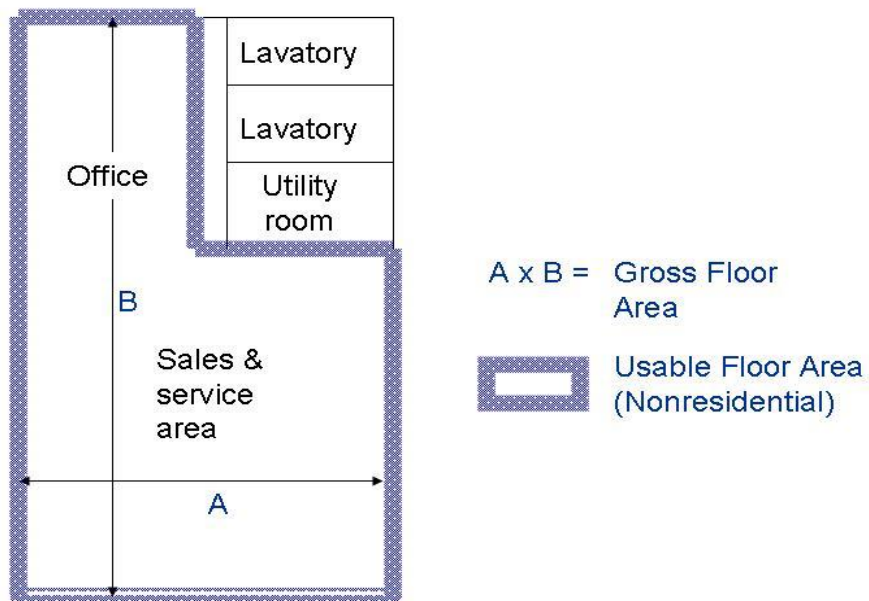
**FLAG LOT:** A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

**FLEA MARKET:** see OUTDOOR USE, TEMPORARY

**FLOODPLAIN:** The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, that has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:

- a. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
- b. Principal estuary courses of wetland areas that are part of the river flow system.
- c. Contiguous area paralleling a river stream or other body of water that exhibits unstable soil conditions for development.

**FLOOR AREA, USEABLE:** That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.



### Floor Area Terminology

**FLOOR AREA:** The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

**FOOT CANDLE:** A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

**FOSTER FAMILY GROUP HOME:** see CHILD CARE ORGANIZATION

**FOSTER FAMILY HOME:** see CHILD CARE ORGANIZATION

**FRATERNAL ORGANIZATION:** see INSTITUTION, SOCIAL

**FUNCTIONAL EQUIVALENT SERVICES:** Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

**FUNERAL HOME/MORTUARY:** A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

**GARAGES:** Includes the following:

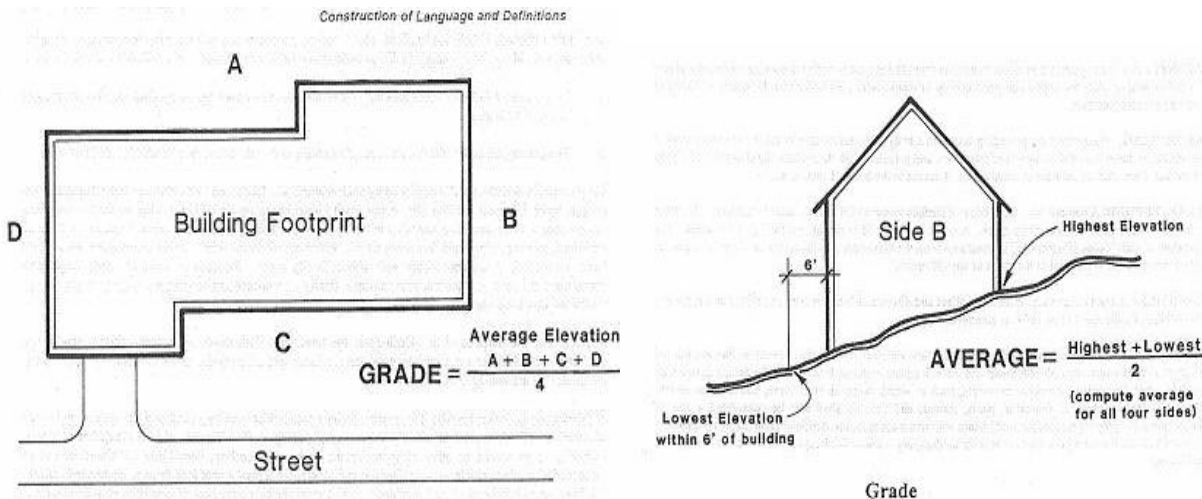
- ATTACHED.** An attached outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.
- PRIVATE GARAGE.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
- SERVICE GARAGE.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

**GARBAGE:** Animal, vegetable and mineral waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

**GAS STATION/SERVICE STATION:** A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

**GLARE:** The effect produced by brightness, sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GRADE:** For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



**GRADING:** Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

**GRADING PERMIT:** The written authority issued by the County of Gladwin permitting the grading, excavating or filling of land including drainage and soil erosion control in conformity with the Erosion Control Section of this Ordinance and Public Act 347 of 1972.

**GREEN AREA:** Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

**GREENBELT:** see BUFFER

**GREENHOUSE:** A temporary or permanent building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

**GROUND COVER:** Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

**GROUNDWATER RUNOFF:** Storm water that is discharged into a stream channel as spring or seepage water.

**GROUP DAY CARE HOME:** see CHILD CARE ORGANIZATION

**GROWER:** Means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

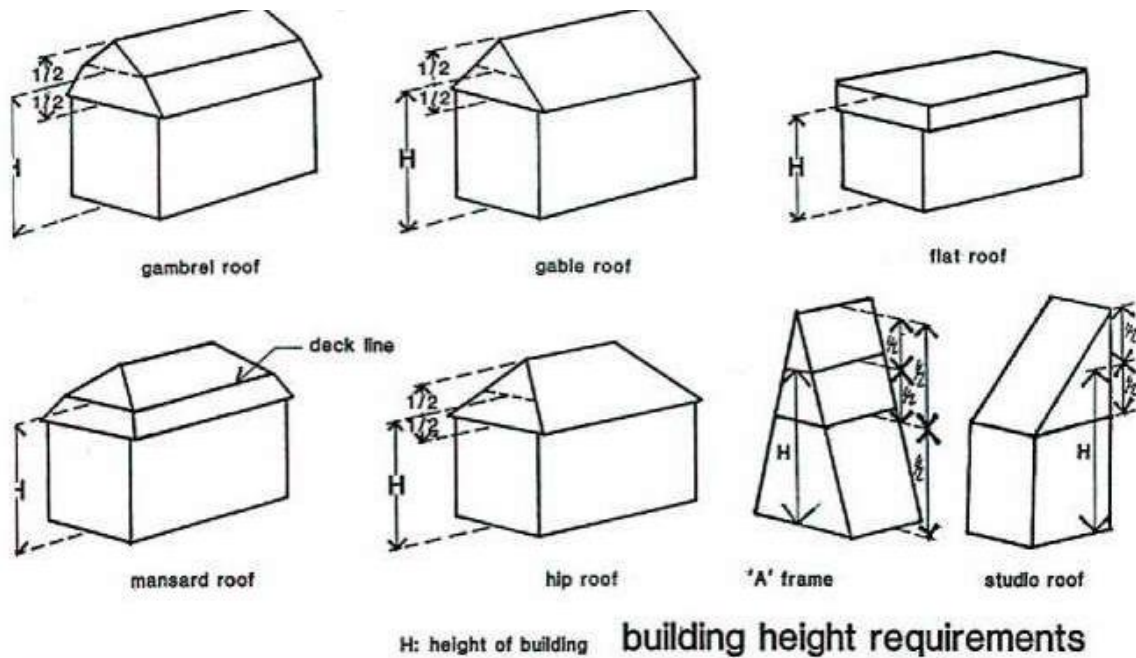
**GUYED TOWER:** A monopole or lattice tower that is tied to the ground or other surface by cables.

**HARD CORE MATERIAL:** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**HAZARDOUS MATERIALS:** Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

**HEALTH CARE (SERVICES) FACILITIES:** see INSTITUTION, HUMAN CARE

**HEIGHT OF BUILDING OR STRUCTURE:** The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.



**HIGHWAY:** A public thoroughfare or street, excluding alleys, but including federal, state and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**HOMEOWNERS ASSOCIATION:** An association of all owners of a project organized for the purpose of administering, managing, and maintaining the common property and facilities. This Association shall be described in all covenants, deeds, or other recorded legal documents which affect the title to any land within the development.

**HOME OCCUPATIONS:** Any business carried on by one or more members of a family residing on the premises, provided it:

- Is operated in its entirety within the principal dwelling;
- Does not have a separate entrance from outside the building;
- Does not involve alteration or construction not customarily found in dwellings;
- Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, with a maximum total area for the home occupation of five hundred (500) square feet;
- Does not display or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated wall sign having an area of not more than two (2) square feet;
- Does not employ any persons other than family members residing on the premises.

**HORTICULTURE:** The cultivation of a garden or orchard. Horticulture specifically excludes operation of a landscaping business.

**HOSPITAL:** see INSTITUTION, HUMAN CARE

**HOTEL:** see MOTEL

**IMPERVIOUS SURFACE:** Any material that reduces and prevents the absorption of storm water into previously undeveloped land.

**INDUSTRIAL PARK:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

**INFRASTRUCTURE:** Facilities and services needed to sustain industrial, residential and business activities.

**INGRESS:** Access or entry.

**INSTITUTION, EDUCATIONAL:** A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

**INSTITUTION, HUMAN CARE:** A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged or substance abuse rehabilitation facilities.

**INSTITUTION, REHABILITATION:** A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

**INSTITUTION, RELIGIOUS:** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL:** Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

**INTERSECTION:** The point where two or more roads cross at grade.

**JUNK MOTOR VEHICLE:** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with State or County laws or Ordinances.

**JUNK/SALVAGE YARD:** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. A junk or salvage yard shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.



**KENNEL or ANIMAL HOSPITAL:** Any building or land used for the sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) cats or other household pets as a business.

**LABORATORY:**

- a. Medical or dental: A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b. Experimental: A building or part of a building devoted to the testing and analysis of any product or animal.

**LAND:** Ground, soil, or earth, including structures on, above, or below the surface.

**LAND USE:** A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

**LAND USE PLAN:** A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

**LATTICE TOWER:** A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

**LEGISLATIVE BODY:** The Gladwin County Board of Commissioners.

**LIBRARY:** Institutions for the storage and circulation of books, compact discs, videotapes and other materials for use by the general public.

**LICENSED CARRIER:** A company authorized by the FCC to construct and operate a commercial mobile radio services system.

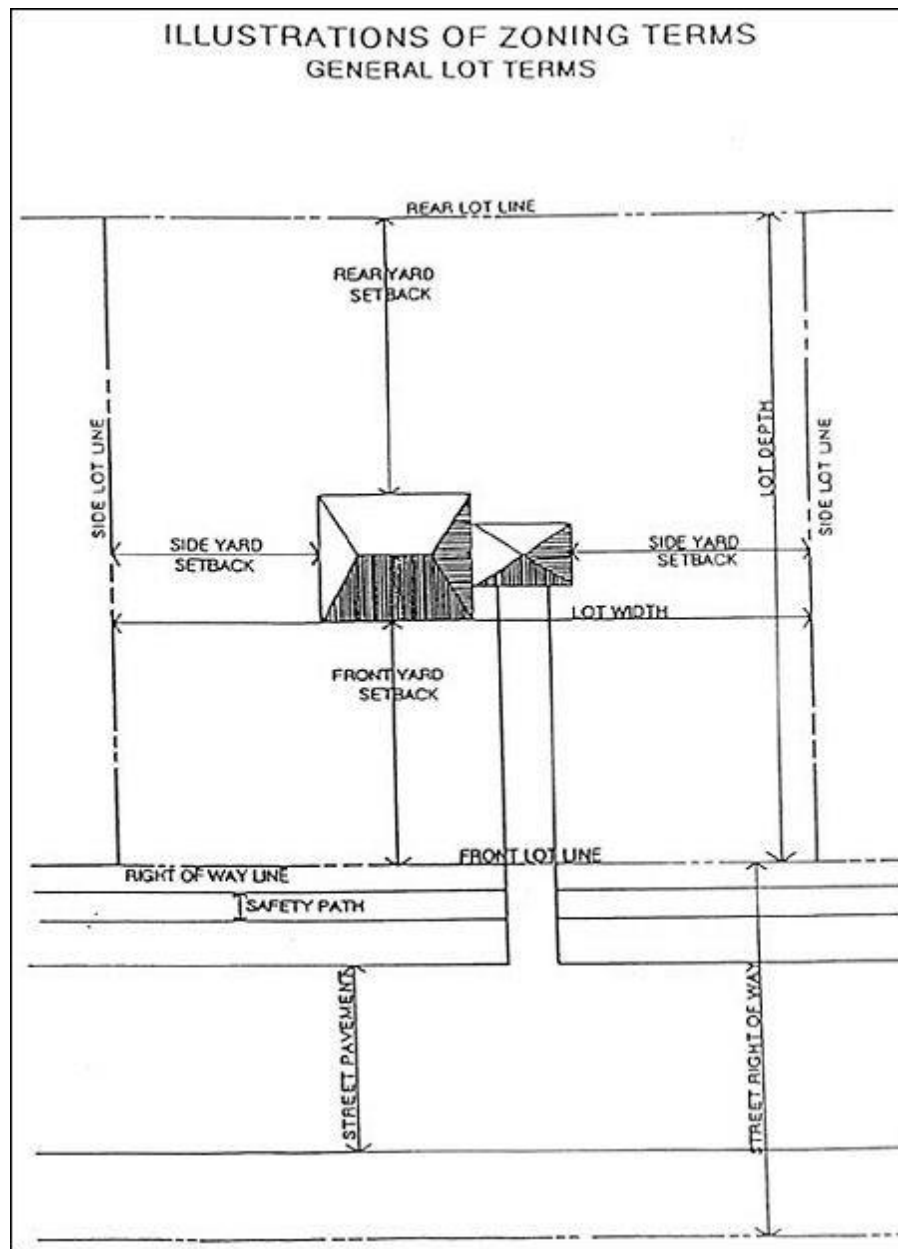
**LICENSEE:** Means a person holding a state operating license under the Medical Marihuana Facilities Act, MCL 333.27101, et seq.

**LOADING/UNLOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT:** A lot is the parcel of land upon which the principal building, including any accessories are placed together with the required yards of open space, the legal description of which is on file at the Register of Deeds. A lot is not limited to a recorded subdivision plat.

**LOT AREA:** The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**LOT, CORNER:** see CORNER LOT See graphic for Corner Lot.



**LOT COVERAGE:** The part or percent of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH:** The mean horizontal distance from the front street line to the rear lot line.

**LOT, INTERIOR:** Any lot other than a corner lot. See graphic for Corner Lot.

**LOT LINES:** Any line bounding a lot, including the following:

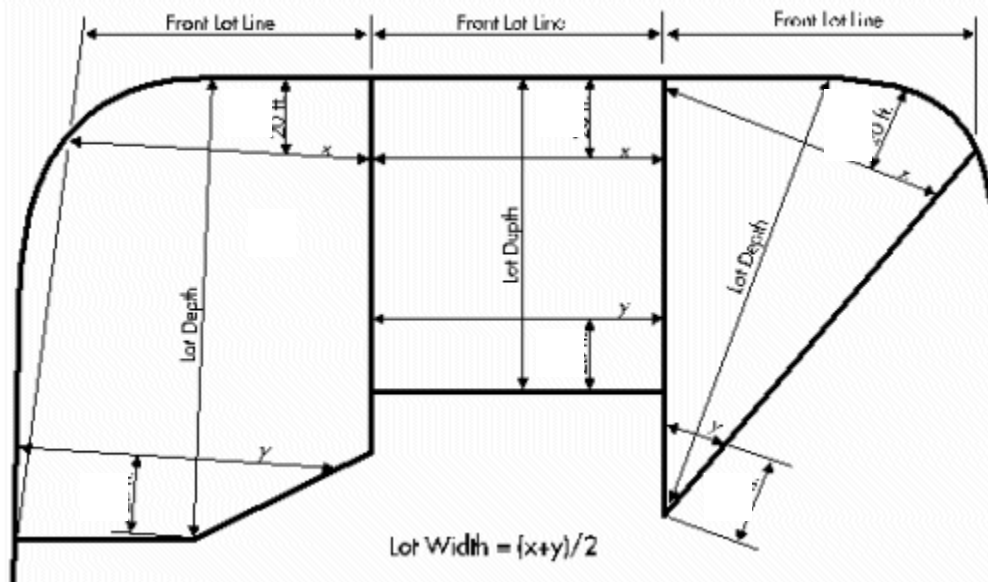
- a. **FRONT LOT LINE.** The line separating the lot from the right-of-way of the street; in the case of a corner line, the address of record is the front lot line.
- b. **REAR LOT LINE.** The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.

c. **SIDE LOT LINE.** Any line other than front or rear lot lines.

**LOT, THROUGH:** Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See graphic for Corner Lot.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this ordinance.

**LOT WIDTH:** The lot width shall be considered the average of the width between side lot lines.



**LOT, ZONING:** A single tract of land that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**LOUNGE:** see BAR

**LUMBER YARD:** A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

**MALL:** A shopping center where stores front on both sides of a pedestrian way that may be enclosed or open.

**MANUFACTURED HOME:** A dwelling unit, designed and built in a factory.

**MANUFACTURED HOME DEVELOPMENT:** A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MANUFACTURING, HEAVY:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities involve outdoor operations as part of their manufacturing process.

**MANUFACTURING, LIGHT:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities do not involve outdoor operations as part of their manufacturing process.

**MARIHUANA or MARIJUANA:** Means that the term as defined in the Public Health Code, MCL 333.1101, et seq, the Medical Marihuana Act, MCL 333.26421, et seq, the Medical Marihuana Facilities Act, MCL 333.27101, et seq, and the Marihuana Tracing, MCL 333.27901, et seq. For the purpose of this Ordinance, the spellings are interchangeable.

**MARUHUANA PLANT:** Means any plant of the species *Cannabis sativa* L.

**MARIHUANA-INFUSED PRODUCT:** Means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana inhalation.

**MARQUEE:** Any hood, canopy, awning, or permanent structure that projects from a wall of a building, usually above an entrance.

**MASTER PLAN:** A comprehensive long-range plan intended to guide the growth and development of a community. The plan includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**MEDICAL USE OF MARIJUANA:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated law, MCL 333.26423(d).

**MEDICAL MARIJUANA CLUB:** A place at which more than two (2) patients grow or make available medical marijuana for their individual use.

**MEDICAL MARIJUANA DISTRIBUTION FACILITY:** A place where medical marijuana caregivers store and/or distribute medical marijuana to medical marijuana patients, with no growing or cultivation of medical marijuana.

**MEDICAL MARIJUANA GROWING FACILITY:** A place where more than a total of two (2) medical marijuana patients or caregivers grow, possess or store medical marijuana.

**COTTAGE INDUSTRY:** The use of a building by a patient or a caregiver under the Medical Marihuana Act, whether for remuneration or not, shall be considered as a cottage industry. No business or commercial operation that sells or includes medical marihuana as a portion of its inventory shall be considered as a cottage industry.

**MICHIGAN MEDICAL MARIHUANA ACT:** Means the Michigan Medical Marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

**MINISTORAGE/SELF STORAGE:** A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

**MIXED USE ZONING:** Regulations that permit a combination of different uses within a single development, under special regulations. This type of development may be a Planned Unit Development.

**MOBILE HOME:** A structure, transportable in one or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, constructed according to the standards promulgated by the U. S. Department of Housing and Urban Development, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

**MOBILE HOME PARK:** An area of land upon which three (3) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile coach park, subject to A.N.S.I. code and Michigan Manufactured Housing Commission rules, Public Act 96 of 1987, as amended.

**MOBILE HOME SITE/MANUFACTURED HOME SITE:** A measured parcel of land within a Manufactured Home Development that is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**MOBILE HOME SUBDIVISION:** A Manufactured Home Development except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**MONOPOLE:** The type of mount that is self-supporting with a single shaft of wood, steel, or concrete, without guy wires, and a platform (or racks) for panel antennae arrayed at the top.

**MORTUARY:** see FUNERAL HOME/MORTUARY

**MOTEL:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, "motel" and "hotel" have the same meaning.

**MOUNT:** The structure of surface upon which antennae are mounted, including the following four types of mounts:

- a. Roof-mounted: Mounted on the roof of a building.
- b. Side-mounted: Mounted on the side of a building.
- c. Ground-mounted: Mounted on the ground.
- d. Structure-mounted: Mounted on a structure other than a building.

**MUNICIPAL BUILDING:** A structure housing an operation of the County of Gladwin.

**MUNICIPALITY:** The County of Gladwin.

**MUSEUM:** A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

**NATURAL RETENTION AREA:** A naturally occurring pond or wetland that retains storm water runoff.

**NONCONFORMING BUILDING, LEGAL:** Any building or portion thereof lawfully existing at the time this Ordinance became effective and that does not comply with this Ordinance's regulations.

**NONCONFORMING LOT, LEGAL:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the Zoning District.

**NONCONFORMING SIGN, LEGAL:** Any sign lawfully existing as of the effective date of an Ordinance, or amendment thereto that renders the sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

**NONCONFORMING USE, LEGAL:** Any property use that was lawful at the time the zoning Ordinance became effective and which now does not comply with its regulations. A legal nonconforming use is a use that is in compliance with the requirements of this Ordinance.

**NONPROFIT ORGANIZATION:** An organization with federal tax status as a non profit.

**NORTH POINT or NORTH ARROW:** The designation on a map illustrating the direction of north.

**NOXIOUS:** Offensive or disturbing.

**NUISANCE:** An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm or discomfort to the owner or resident of that property.

**NURSERY, PLANT MATERIALS:** Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**OCCUPANCY PERMIT:** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable Ordinances.

**OCCUPANCY PERMIT, TEMPORARY:** A certificate of occupancy that is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

**OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE BUILDING:** A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity; it may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OMNIDIRECTIONAL (WHIP) ANTENNA:** A thin rod that beams and receives signals in all directions.

**OPEN SPACE:** Is that part of a zoning lot, including courts or yards, which:

- a. Is open and unobstructed from its lowest level to the sky, and
- b. Is accessible to all residents upon the zoning lot, and
- c. Is not part of the roof of that portion of a building containing dwelling units, and
- d. Is comprised of lawn and landscaped area, and
- e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

**ORCHARD:** The establishment, care, and harvesting of more than 25 fruit-bearing trees or vines, such as apples, cherries, or grapes for the purpose of selling the fruit to others.

**OUTDOOR AMUSEMENT FACILITY:** A commercial business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.

**OUTDOOR ASSEMBLY:** These uses include outdoor amphitheaters, race tracks, drive-in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity.

**OUTDOOR PRODUCTION:** Means growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting or growing purposes. Including but not limited to electrical lighting sources.

**OUTDOOR SALES:** Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**OUTDOOR USE:** A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

**OUTDOOR USE, TEMPORARY:** A use carried out in an open area or uncovered or temporary structure that is disbanded when the designated time period, activity or use for which the temporary structure was erected has ceased.

**PANEL ANTENNA:** A flat surface antenna usually developed in multiples.

- PARAPHERNALIA:** Means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.
- PARK, NEIGHBORHOOD:** County-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park. A neighborhood park is less than 2.5 acres in size.
- PARK, RECREATIONAL:** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.
- PARKING AISLE:** The area behind a parking space used for backing and turning into and out of the parking space. See Chapter 6 for parking space and aisle required sizes.
- PARKING AREA:** An area used for the parking, parking aisle, or access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.
- PARKING AREA, TOTAL:** The parking lot and all connecting access drives and landscaping.
- PARKING ACCESS:** The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100') feet.
- PARKING BAY:** A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.
- PARKING LOT:** An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.
- PARKING, OFF-STREET:** Any parking area located on the same property it is intended to serve, or in a joint use lot.
- PARKING SPACE:** Any vehicle accessible area designated for vehicle parking and exclusive of drives and aisles.
- PATIO, PORCH:** Roofed open area that, while it may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.
- PERFORMANCE STANDARDS:** A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.
- PERMANENTLY AFFIXED:** To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.
- PERMITTED USE:** Any use allowed in a Zoning District and subject to the restrictions applicable to that Zoning District.
- PERSON:** Means an individual, corporation, limited-liability-company, partnership, limited partnership, limited liability partnership, limited-liability limited partnership, trust, other legal entity or any joint venture for a common purpose.
- PERSONAL SERVICES FACILITIES:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel.



**PERSONAL WIRELESS SERVICE FACILITY:** A facility for the provision of personal wireless services, as defined by the Telecommunications Act.

**PERSONAL WIRELESS SERVICE:** The three types of services regulated by this Ordinance as specified in the Special Use Permit regulations. These services are cellular, radio and satellite.

**PETROLEUM BULK PLANT:** An establishment for the purpose of storage of petroleum products, in bulk or in packages, distributed by tank car, tank vehicle, or motor truck.

**PLAN, FINAL:** A site plan that has been approved by the Planning Commission.

**PLAN, PRELIMINARY:** A site plan that is under review by the Planning Commission or proper review authority and indicates the proposed layout of the subdivision, Planned Unit Development (PUD), or other development.

**PLAN, TENTATIVE PRELIMINARY:** A conceptual site plan or sketch showing ideas for development and site use.

**PLANNED UNIT DEVELOPMENT (PUD):** A development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the planned unit development, not generally including a shopping center or other commercial developments intended for rental, but "planned unit development" includes cluster zoning, planned development, community unit plan, planned residential development, and other zoning requirements which are designed to accomplish the objective of a zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

**PLANNING COMMISSION:** Planning Commission shall mean the Gladwin County Planning Commission organized under P.A. 282 of 1945, unless the specific use or the context indicates a different reference.

**POND:** A permanent or temporary body of man-made open water that is more than 0.25 acres in size and less than 1.0 acre in size.

**POOL, COMMERCIAL SWIMMING:** An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

**POOL, PRIVATE SWIMMING:** Any artificially constructed basin or other structure for holding water for use in swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water and not over 24" deep. Section AG102 of Appendix G in the 2003 Michigan Residential Code defines "swimming pool" as any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

**POTABLE WATER:** Water suitable for drinking or cooking purposes.

**PRINCIPAL BUILDING:** A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

**PRINCIPAL USE:** The primary and predominate use of the premises including customary accessory uses.

**PRIVATE:** Not publicly owned or otherwise regulated by the State of Michigan either by statute or by rules and regulations of one of its administrative bodies.

**PROFESSIONAL SERVICES:** Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

**PROCESSING:** Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

**PROCESSOR:** Means a licensee that is a commercial entity located in the State that purchases marihuana from a grower that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packages form to a provisioning center.

**PROVISIONING CENTER:** Means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's primary caregiver. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, et seq, is not a provisioning center for purposes of this Ordinance.

**PUBLIC FACILITIES:** Facilities that are owned and operated by a municipality, government agency, or publicly owned utility.

**PUBLIC HEARING:** A meeting announced and advertised in advance and open to the public, with the public being given an opportunity to speak or participate.

**PUBLIC SERVICE INSTALLATION:** A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.

**PUBLIC UTILITY (PUBLIC SERVICE UTILITY):** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

**PUBLIC WAY:** A highway, street, avenue, boulevard, road, lane, alley or other area specifically designated and continuously maintained for public access.

**QUASI PUBLIC AGENCY:** A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

**QUORUM:** A simple majority of the full membership of a board or agency.

**RADIO ANTENNA:** A signal-receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

**RADIO FREQUENCY (RF) ENGINEER:** An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**RADIO FREQUENCY RADIATION (RFR):** The emissions from personal wireless service facilities.

**RADIO TOWER:** A signal-sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

**RECREATION, COMMERCIAL INDOOR:** A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

**RECREATION, OUTDOOR:** Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.

**RECREATION, PRIVATE:** Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

**RECREATIONAL EQUIPMENT:** Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off-road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

**RECREATIONAL VEHICLE:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND:** A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.

**RECYCLING FACILITY:** The process by which waste products are reduced to raw materials and transformed into new and often different products.

**REGISTERED PRIMARY CAREGIVER:** Means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

**REGISTERED QUALIFYING PATIENT:** Means a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act or a visiting qualifying patient as that term is defined in Section 3 of the Michigan medical Marihuana Act, MCL 333.26423.

**REGISTRY IDENTIFICATION CARD:** Means that term as defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

**RELIGIOUS INSTITUTION:** see INSTITUTION, RELIGIOUS

**RESEARCH AND DEVELOPMENT FACILITY:** Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.

**RESIDENCE:** A home, abode, or place where an individual is residing at a specific point in time.

**RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT:** The use of land parcels for human habitation under the terms of this Chapter. RESIDENTIAL shall not be construed or interpreted to

mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

**RESOURCE RECOVERY FACILITY:** A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose of such a building is to reuse the recovered materials.

**RESTAURANT:** A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**RESTRICTION:** A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**RESTRICTIVE COVENANT:** A restriction on the use of land usually set forth in a deed or other appropriate document.

**RETAIL TRADE:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RETREATS:** see INSTITUTIONS, SOCIAL.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

**RIGHT-OF-WAY LINE:** The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities. See graphic for Lot Lines.

**RINGLEMANN CHART:** A device to measure the opacity of smoke emitted from stacks and other sources.

**ROAD FRONTAGE:** The length of the lot line that borders a public or private road at the right-of-way line.

**RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

**SAFETY COMPLIANCE FACILITY:** Means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**SALVAGE YARD:** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. SALVAGE YARD shall not include uses conducted entirely within a completely enclosed building; such as pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

- SANITARY LANDFILL:** Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.
- SCALE:** The relationship between distances on a map and actual ground distances.
- SCHOOL:** see INSTITUTION, EDUCATIONAL
- SCREENING:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
- SEASONAL BUSINESS:** A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.
- SEASONAL RESIDENCE:** A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.
- SECURE TRANSPORTER:** Means a licensee that is a commercial entity located in this State that stores marihuana and transport marihuana between marihuana facilities for a fee.
- SECURITY BARRIER:** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.
- SENIOR HOUSING:** A residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care where patients are confined to bed.
- SEPARATION:** The distance between one carrier's array of antennae and another carrier's array.
- SETBACK:** The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. See graphic for Lot Lines.
- SEWAGE TREATMENT PLANT:** A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.
- SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- SIGNS:**
- a. A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.
  - b. For the purpose, of this Ordinance, the following sign or sign-related terms are here defined:
    - 1) **AREA, OR SURFACE AREA, OF SIGN:** Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more

faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

- 2) **ABANDONED SIGN:** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of (14) fourteen days, that sign shall be considered abandoned.
- 3) **BANNER:** Either a Temporary Sign or Portable Sign, depending on how it is used.
- 4) **DIRECTIONAL SIGNS:** Signs posted to show direction of traffic flow through the property.
- 5) **ELECTRIC SIGN:** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- 6) **ELECTRONIC MESSAGE BOARD:** Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.
- 7) **FREESTANDING SIGNS:** Signs that are supported from the ground by a structure and are not attached to a building. Types:
  - a) A sign elevated high above ground level, typically on a pole or other structure.
  - b) Ground Sign: A sign low to the ground and typically used to identify large buildings, institutions and real estate developments.
- 8) **ILLUMINATED SIGN:** A sign that provides artificial light directly or through any transparent or translucent material.
- 9) **INTEGRAL SIGN:** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- 10) **JOINT SIGN:** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.
- 11) **LOCATION:** A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- 12) **MARQUEE:** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- 13) **MERCHANDISING SIGNS:** Signs identifying products or services available at the establishment and their prices. This is a descriptive term. Regulation depends on whether the sign is permanent, portable, temporary, a sign cover or a safety concern.
- 14) **MONUMENT or GROUND MOUNTED:** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.

- 15) **MULTI-TENANT SIGNS:** Wall, ground or freestanding signs for unified developments, such as shopping centers and office parks, shall identify only the development, individual tenants or establishments.
- 16) **NONDWELLING USE SIGN:** A sign located on a parcel that does not have a dwelling as its principal structure and is located, in a residential district. Examples of the uses that may be associated with non-dwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings, cemeteries and agricultural retail facilities.
- 17) **POLITICAL SIGNS/POSTERS:** Signs intended for use in promoting either a candidate for public office or proposal or similar issue that will be placed before the public to vote.
- 18) **PORTABLE SIGNS:** Portable Signs are those signs that are designed to be transported. Illustrations of signs designed to be transported include, but are not limited to, signs on a trailer or trailer frame and designed to be transported by means of wheels; signs converted to "A" or "T" frames that sit on the ground or lean against a permanent structure; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business. Portable Signs may be a printed banner, changeable copy or portable LED messaging units. If a sign more accurately fits the definition of a Temporary Sign, it shall not be considered portable for the purposes of this Sign Ordinance.
- 19) **REAL ESTATE SIGNS:** Signs intended for temporary use in promoting the sale of real estate, with or without structures.
- 20) **ROOF LINE:** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels; this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- 21) **ROOF SIGNS:** Signs placed on the roofs of buildings, supported by the roof and within the lines of exterior walls. If a wall extends above a roofline and supports a sign, it shall be considered a Wall Sign and not a Roof Sign in this Ordinance.
- 22) **SETBACK:** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right-of-way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- 23) **SIGN:** A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and that is intended to direct attention to an object, product, place, activity, person, institution, organization or business. This includes changeable copy and LED (light-emitting diode) Portable Signs. For this Ordinance, a national flag or official court or public office notice is not considered a sign. A sign located inside of a window shall not be regulated under this Ordinance.
- 24) **SIGN COVER:** Signs are defined as "Sign Cover" ONLY when they are located on permitted signs and cover up the content of the permitted sign. This includes a display sign, banner or other advertising device, with or without a structural frame, constructed of nondurable materials and intended for a limited period of use.

- 25) **STREET BANNERS:** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the County of Gladwin.
- 26) **SUBDIVISION SIGN:** A sign intended as identification for a Residential subdivision.
- 27) **TEMPORARY SIGN:** A display sign, banner or other advertising device, with or without a structural frame, intended for a limited period of use. Signs are defined as temporary when they are attached to a permanent structure, including but not limited to a building, light pole, trees, bushes, or fences. If a sign more accurately fits the definition of a Portable Sign, it shall not be considered temporary for the purposes of this Sign Ordinance.
- 28) **WALL SIGNS:** Signs permanently attached to the exterior wall of a building and projecting out from such walls no more than fourteen (14) inches. The area of the Wall Sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.
- 29) **WINDOW SIGNS:** Signs hung outside of a window and within the framework of any window of a business or residence.

**SINGLE OWNERSHIP:** Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

**SITE:** Any plot or parcel of land or combination of contiguous lots or parcels of land.

**SITE CONDOMINIUM:** see PLANNED UNIT DEVELOPMENT

**SITE PLAN:** The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot.

**SITE PLAN REVIEW AND APPROVAL:** The submission of plans for review and approval, as required by this Ordinance and special use permits.

**SLOPE:** The degree of deviation of a surface from the horizontal, usually expressed as percent or degrees.

**SOIL:** All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

**SOIL RESOURCE EXTRACTION:** All or any part of the process involved in the mining of minerals by removing excess materials and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

**SPECIAL LAND USE:** A use, permitted within certain Zoning Districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions Stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the County.

**SPECIFIED ANATOMICAL AREA:**

- a. Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.
- b. Human genitals in a discernable turgid state, even if completely and opaquely covered.



**SPECIFIED SEXUAL ACTIVITY:** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the County of Gladwin Comprehensive Plan.

**SQUARE FOOTAGE:** The length times width of a building, structure or use.

**STADIUM:** A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

**STALL, PARKING:** The parking space in which vehicles park.

**STATE LICENSED RESIDENTIAL FACILITY:** A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

**STATE OPERATING LICENSE:** or, unless the context required a different meaning, "license" means a license that is issued under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.

**STORAGE, BULK:** The holding or stockpiling on land of material and/or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity:

- a. in a bulk form or in bulk containers;
- b. under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements;
- c. in sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site;
- d. the major function is the collection and/or distribution of the material and/or products rather than processing;
- e. the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

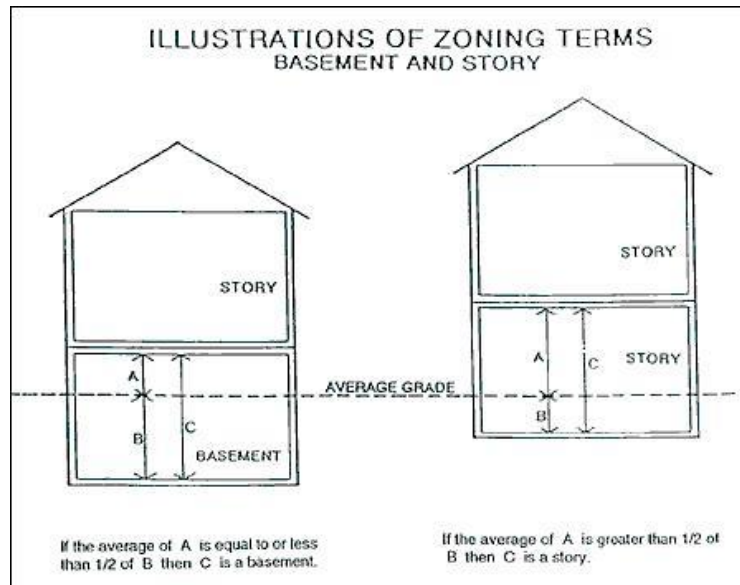
**STORAGE, INDOOR:** see WAREHOUSE

**STORAGE, OUTDOOR:** SEE OUTDOOR USE

**STORM SEWER:** A conduit that collects and transports runoff of storm water.

**STORM WATER DETENTION:** Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORY:** That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.



**STORY, HALF:** Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.

**STREET:** A public right-of-way that has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

**STREET, COLLECTOR:** A street that collects traffic from local streets and connects with minor and major arterials.

**STREET, CUL-DE-SAC :** A street with a single, common ingress and egress, and with a turnaround at the end.

**STREET, GRADE:** The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

**STREET, LOCAL:** A street designed to provide vehicular access to abutting property and to discourage through traffic.

**STREET, MAJOR ARTERIAL:** A street or highway so designated on the major road plan that is designed and intended to carry heavy traffic volumes.

**STREET, MINOR ARTERIAL:** A dedicated public way or recorded private street that affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

**STREET, PRIVATE:** A street that is not public as defined by this Ordinance.

**STREET, PUBLIC:** Any public right-of-way, conforming to the County of Gladwin standards, that provides vehicular access to adjacent properties.

**STRUCTURE:** see BUILDING

**STRUCTURE CHANGES OR ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**SUBDIVISION OR SUBDIVIDE:** The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**SUBDIVISION CONTROL ACT:** Public Act 288 of 1967, as amended.

**SUBSTANCE ABUSE REHABILITATIONS CENTER:** see INSTITUTION, REHABILITATION

**SUPPLY YARD:** A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

**SWALE:** A depression in the ground that channels runoff.

**SYSTEM BUILT HOME:** See MANUFACTURED HOME

**TAVERN:** see BAR

**TEMPORARY DWELLING:** Includes, but is not limited to travel trailer, pop-up campers, modified trailers and tents, but does not include mobile homes as defined in the Michigan Mobile Home Commission Act (Manufactured Housing Commission).

**TENANT:** An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

**THEATER:** A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

**THOROUGHFARE:** A thoroughfare is a road or street which is intended to provide access for more than two (2) dwelling units. If the thoroughfare is maintained by the public, it is a public thoroughfare; if it is not maintained by the public but is generally open to members of the public for the passage of motor vehicles, it is a private thoroughfare. A way which is principally a private driveway from which members of the public are generally excluded shall not be considered a thoroughfare.

**TRAILER:** Any vehicle designed to be drawn by an automotive/motorized vehicle.

**TRUCK AND RAILROAD TERMINALS:**

- a. A place where transfer between modes of transportation takes place.
- b. A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**TRUCK TRACTOR:** The driving and control component of a trailer rig. A truck tractor is a self-propelled vehicle to which a trailer is attached.

**UNIFIED CONTROL:** The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

**USE, BY RIGHT:** Any use that is listed as a use by right in any given Zoning District in this Ordinance. Uses by right are not required to show need for their location.

**USE, CHANGE OF:** Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

**USE, LAWFUL:** The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exists at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

**USE, TEMPORARY:** A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit.

**USED CAR LOT:** see VEHICLE SALES

**VARIANCE:** A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted.

**VEHICLE, MOTOR:** A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

**VEHICLE REPAIR:** General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

**VEHICLE SALES:** A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

**VETERINARY HOSPITAL:** see KENNEL

**VISIBLE:** Visible means capable of being seen by a person of normal visual acuity.

**WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE:** A building primarily used for the storage of goods and materials.

**WATER SUPPLY SYSTEM:** The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**WETLANDS:** Areas delineated by the Department of Environmental Quality as wetlands.

**WHOLESALE SALES:** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

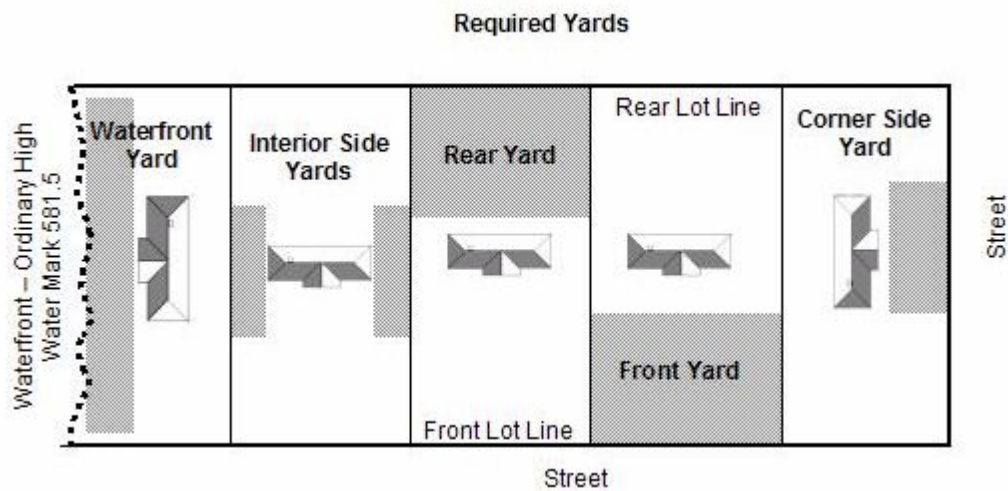
**WIDTH:** The measurement from side to side of a structure.

**WINDMILL:** A structure utilizing wind power for the pumping of water for agricultural use on the parcel of property on which the windmill is located, or for electrical power generation for a residence and other permitted structures and uses located on the subject parcel of property.

**WIND POWER GENERATING FACILITIES:** Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

**WIRELESS COMMUNICATION FACILITY:** Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.

**YARDS:** Yard is the open ground space on a premises unoccupied by buildings and includes the following:



- a. Front yard is defined as the yard extending across the full width of a premises between the nearest line of the main building or accessory structure and the front line or highway right-of-way, as the case may be.
- b. Side yard is defined as the yard extending the full depth (extending from the lot line or highway right-of-way line to the rear line of the premises) of a premises between the nearest line of the main building or accessory structure and adjacent lot line.
- c. Back yard is defined as all open, unoccupied spaces on the same premises with the building, between the building and rear lot line.

**ZERO LOT LINE:** The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

**ZONE:** A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

**ZONING:** The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ZONING ADMINISTRATOR:** Zoning Administrator shall mean the Gladwin County Zoning Administrator or any Deputy Zoning Administrator.

**ZONING BOARD OF APPEALS:** Zoning Board of Appeals shall mean the Gladwin County Zoning Board of Appeals unless the specific use or the context indicates a different reference.

## Chapter 3 ■ District Regulations

For the purpose of this Ordinance, certain terms are herewith defined.

### SECTION 3.1 DIVISION OF THE COUNTY

For the purposes of this Ordinance, all land within the County of Gladwin, except streets, are divided into the following Zoning Districts:

R-F Large Lot	<i>Residential- Farming District</i>
RF Small Lot	
D-1 [Large Lot]	<i>Dwelling District</i>
D-1 [Small Lot]	<i>Dwelling District</i>
B-1	<i>Local Business District</i>
B-2	<i>General Business District</i>
I-1	<i>Industrial District</i>

### SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of Zoning Districts are defined and established as shown on a map, entitled "County of Gladwin Zoning Map," that accompanies this Ordinance. This map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the County Clerk or his/her designee and is available to view and purchase in the Zoning Administrators office.

### SECTION 3.3 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- Boundaries indicated as approximately following County boundary lines or property lines shall be presumed to follow said lines.
- Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel to and at such distance from as indicated by given distance or scaled dimension

### SECTION 3.4 SCOPE OF REGULATIONS

- No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.
- The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.
- The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

- d. The provisions of the Airport Layout Plan, adopted by the Michigan Aeronautics Commission on July 17, 2002 for the Gladwin Zettel Memorial Airport shall supersede all other regulations in all districts that may be impacted.

### SECTION 3.5 DISTRICT REGULATION TABLES

Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in the County of Gladwin.

- a. **INTENT AND PURPOSE—TABLE 1.** This table lists the intent and purpose of each Zoning District.
- b. **USES—TABLE 2-6.** This table describes permitted activities for two to four related Zoning Districts that are identified in the left-hand column of each page. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described in Chapter 7, Special Use Permit Regulations.
- c. **DIMENSIONS—TABLE 7.** This table specifies parcel dimensions and setback requirements for parcels in each Zoning District.
1. Residential/Farming (R/F-Large and Small) Districts with a minimum of 10 acres or more [white on zoning map]:
 

Special Permit Uses:

    - Commercial marijuana grower
    - Processing of marijuana in conjunction with a commercial marijuana grow operation.
  2. Local Business (B-1) District [red on zoning map]:
 

Special Permit Uses

    - Commercial marijuana provisioning center
    - Commercial marijuana processor
    - Commercial marijuana secure transporter
    - Commercial marijuana safety compliance facility
  3. General Business (B-2) District [blue on zoning map]:
 

Special Permit Uses:

    - Commercial marijuana provisioning center
    - Commercial marijuana processor
    - Commercial marijuana secure transporter
    - Commercial marijuana safety compliance facility
  4. Industrial (I-1) [green on zoning map]:
 

Special Permit Uses:

    - Commercial marijuana provisioning center
    - Commercial marijuana processor
    - Commercial marijuana secure transporter
    - Commercial marijuana safety compliance facility



- 5. D-1 [Large/Small lot]: Not permitted
- R-F [under ten (10) acres]: Not permitted

**TABLE 1. INTENT AND PURPOSE**

Zoning District	Stated Intent and Purpose
<b>R-F District:</b> <i>Residential &amp; Farming</i>	It is the purpose of this zone is to establish a district for agricultural and single-family residential uses associated with farming operations, together in a compatible environment and to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance.
<b>R-F District:</b> <i>Residential &amp; Farming less than 1 acre.</i>	It is the purpose of this zone is to establish a district for agricultural and single-family residential uses associated with farming operations, together in a compatible environment and to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance.
<b>D-1 District:</b> <i>Dwellings - Large Lot</i>	This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low-density dwellings.
<b>D-1 District:</b> <i>Dwellings – Small Lot</i>	This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low-density dwellings.
<b>B-1 District:</b> <i>Local Business</i>	This district is intended to permit local retail business and service uses which are desirable to serve the residential areas of the county. In order to promote good business development as far as is possible at an appropriate scale to adjoining residential areas, uses are prohibited which would create hazards, offensive or loud noises, vibration, smoke, glare, or heavy truck traffic.
<b>B-2 District:</b> <i>General Business</i>	This district is intended to provide for the general community and area wide commercial and service needs of Gladwin County and for the orderly development and concentration of such uses. The district should be established along major county roads which can satisfactorily accommodate the large volumes of vehicular traffic typically associated with such commercial concentrations.
<b>I-1 District:</b> <i>Industrial</i>	This District is intended primarily for light manufacturing uses which possess few, if any, nuisance characteristics pertaining to the potential for explosion, radioactivity, smoke, dust, noxious or harmful wastes that would pollute streams or soil, vibration, noise, or odor. This District also contemplates uses of land which are not within the scope of uses permitted in the commercial and residential district but are not detrimental to the public health, safety, or welfare in connection with the uses for which such districts are established.

**TABLE 2. USES: RESIDENTIAL & FARMING (R-F) DISTRICT**

<u>Uses By Right</u>	<u>Uses By Special Permit</u>	
	USE:	REGULATED IN:
<ul style="list-style-type: none"> <li>• Agricultural and Forestry Activities - forestry, field crops, fruit orchards, horticulture, aviaries, hatcheries, apiaries, plant and tree nurseries, greenhouses and sod farming.</li> <li>• Billboards.</li> <li>• Cemeteries.</li> <li>• Home occupations</li> <li>• Parks and playgrounds.</li> <li>• Public buildings, service installations.</li> <li>• Roadside stands offering for sale agricultural or other products grown or produced on the premises upon which the stand is located</li> <li>• Raising and keeping small animals and livestock</li> <li>• Single family dwelling.</li> <li>• State licensed residential facility.</li> <li>• Temporary Buildings or Trailers</li> <li>• Veterinary hospital</li> <li>• Wind Power</li> <li>• Accessory Uses</li> </ul>	Airstrip	Refer to State of Michigan Regulations
	Alternative Energy Farms	<b>Section 7.26</b> <i>Alternative Energy Farms</i>
	Animal Feeding Operations	<b>Section 7.03</b> <i>Agricultural Operations</i>
	Bed and Breakfast	<b>Section 7.04</b> <i>Bed and Breakfast</i>
	Campground/RV Park	<b>Section 7.19</b> <i>Recreation Vehicle Park, Campground</i>
	Commercial Marihuana grower	<b>Section 7.25</b> <i>Commercial marihuana grower</i>
	Cottage Industries	<b>Section 7.06</b> <i>Cottage Industries</i>
	Dwelling Unit, Additional, outside of subdivisions	<b>Section 7.07</b> <i>Additional Dwelling Unit</i>
	Fireworks storage	<b>Section 7.08</b> <i>Fireworks Storage</i>
	Grain and seed elevators	<b>Section 7.03</b> <i>Agricultural Operations</i>
	Golf courses	<b>Section 7.09</b> <i>Golf Courses</i>
	Institutions: Human Care, education, retreats	<b>Section 7.13</b> <i>Institutions, Religious, Educational, and Social</i>
	Kennels	<b>Section 7.14</b> <i>Kennels</i>
	Livestock auction/production yards	<b>Section 7.03</b> <i>Agricultural Operation</i>
	Manufactured Housing Park	<b>Section 7.15</b> <i>Manufactured Housing</i>
	Mining	<b>Section 7.16</b> <i>Mining</i>
	Residential Planned Unit Developments	<b>Section 7.18</b> <i>Planned Unit Development</i>
	Riding stables.	<b>Section 7.03</b> <i>Agricultural Operations</i>
	Sawmills	<b>Section 7.03</b> <i>Agricultural Operations</i>
	Temporary Outdoor Use	<b>Section 7.23</b> <i>Temporary Indoor and Outdoor Uses</i>
Wholesale agricultural products storage	<b>Section 7.03</b> <i>Agricultural Operations</i>	
Wireless communication facilities.	<b>Section 7.24</b> <i>Wireless Communication Facilities</i>	

**TABLE 3. USES: DWELLING (D-1) DISTRICT**

<u>Uses By Right</u>	<u>Uses By Special Permit</u>	
	USE:	REGULATED IN:
<ul style="list-style-type: none"> <li>• Day Nurseries, limited size</li> <li>• Home Occupations</li> <li>• Multiple Family Dwellings</li> <li>• Public parks</li> <li>• Single-Family dwellings</li> <li>• State Licensed Residential Facilities for 6 or fewer residents</li> <li>• Two-Family dwellings</li> <li>• Accessory Uses</li> </ul>	Airstrip	Refer to State of Michigan Regulations
	Alternative Energy Farms	<b>Section 7.26</b> <i>Alternative Energy Farms</i>
	Bed and Breakfasts	<b>Section 7.04</b> <i>Bed and Breakfast</i>
	Cemeteries	<b>Section 7.05</b> <i>Cemeteries</i>
	Dwelling Unit, Additional, outside of a subdivision	<b>Section 7.07</b> <i>Additional Dwelling Unit</i>
	Residential and Commercial Planned Unit Developments	<b>Section 7.18</b> <i>Planned Unit Development</i>
	Public Service Installations	<b>Section 7.24</b> <i>Wireless Communication Facilities</i>
	Religious and Educational Institutions	<b>Section 7.13</b> <i>Institutions: Educational, Religious, and Social</i>
	Senior housing	<b>Section 7.21</b> <i>Senior Housing</i>
	State Licensed Residential Facilities for 7 or more residents	<b>Section 7.13</b> <i>Institutions, Religious, Educational, and Social</i>

**TABLE 4. USES: LOCAL BUSINESS (B-1) DISTRICT**

<u>Uses By Right</u>	<u>Uses By Special Permit</u>	
<ul style="list-style-type: none"> <li>• Bed and Breakfasts</li> <li>• Billboards</li> <li>• Car rental/limousine services.</li> <li>• Day Care Facilities</li> <li>• Drive through establishments</li> <li>• Dwellings units above the first floor</li> <li>• Funeral Homes/Mortuaries</li> <li>• Gas Stations</li> <li>• Libraries</li> <li>• Motels, Hotels</li> <li>• Museums</li> <li>• Other retail goods, service, repair</li> <li>• Personal Services</li> <li>• Professional and business offices.</li> <li>• Public buildings</li> <li>• Restaurants, not including drive-through facilities.</li> <li>• Retail food establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises.</li> <li>• Senior Housing</li> <li>• Vehicle Wash Establishments</li> <li>• Accessory Uses</li> </ul>	USE:	REGULATED IN:
	Alternative Energy Farms	<b>Section 7.26</b> <i>Alternative Energy Farms</i>
	Assembly Buildings	<b>Section 7.13</b> Institutions: Educational, Religious, and Social
	Commercial recreation	<b>Section 7.11</b> Indoor and Outdoor Commercial Recreation
	Ministorage/Self Storage	<b>Section 7.20</b> Self storage facilities
	Commercial Planned Unit Developments	<b>Section 7.18</b> Planned Unit Development
	Religious, Social, Rehabilitation and Human Care Institutions	<b>Section 7.13</b> Institutions: Educational, Religious, and Social
	Temporary Indoor and Outdoor Uses	<b>Section 7.23</b> Temporary Indoor and Outdoor Uses
	Wireless Communication Facilities	<b>Section 7.24</b> Wireless Communication Facilities
	Commercial marijuana provisioning center, commercial marijuana processor, commercial marijuana secure transporter, commercial marijuana safety compliance facility	<b>Section 7.25</b> Commercial marijuana provisioning center, processor, secure transporter, safety compliance facility.

**TABLE 5. USES: GENERAL BUSINESS (B-2) DISTRICT**

<u>Uses By Right</u>	<u>Uses By Special Permit</u>	
<ul style="list-style-type: none"> <li>• Any use permitted by right in the B-1 District.</li> <li>• Any retail business whose principal activity is the sale of merchandise within an enclosed building.</li> <li>• Bars and Taverns</li> <li>• Billboards</li> <li>• Commercial Recreation</li> <li>• Commercial Schools</li> <li>• Contractors</li> <li>• Drive through businesses</li> <li>• Equipment Rental/Sales</li> <li>• Institutions, Social</li> <li>• Lumber Yard</li> <li>• Marinas</li> <li>• Mobile Home Parks</li> <li>• Outdoor sales</li> <li>• Personal services</li> <li>• Service establishments, including printing, publishing, photo reproduction, blueprints, and related trades or arts.</li> <li>• Theaters, including drive-ins</li> <li>• Utility Service Buildings</li> <li>• Vehicle sales and repair</li> <li>• Veterinary hospitals</li> <li>• Wholesale sales</li> <li>• Wind power</li> <li>• Accessory Uses</li> </ul>	USE:	REGULATED IN:
	Any use permitted by special use permit in the B-1 district  Alternative Energy Farms	Section 7.26 <i>Alternative Energy Farms</i>
	Kennels	Section 7.14 <i>Kennels</i>
	Self- storage/Mini storage	Section 7.20 <i>Self Storage Facilities</i>
	Outdoor Assembly	Section 7.17 <i>Outdoor Assembly</i>
	RV Parks	Section 7.19 <i>Recreational Vehicle Park, Campgrounds</i>
	Sale and service of agricultural machines.	Section 7.03 <i>Agricultural Operations</i>
<hr/> Commercial marijuana provisioning center, commercial marijuana processor, commercial marijuana secure transporter, commercial marijuana safety compliance center	<hr/> Section 7.25 <i>Commercial marijuana provisioning center, processor, secure transporter and safety compliance center</i>	

**TABLE 6. USES: INDUSTRIAL (I-1) DISTRICT**

<u>Uses By Right</u>	<u>Uses By Special Permit</u>	
	USE:	REGULATED IN:
<ul style="list-style-type: none"> <li>• Any use permitted by right in the B-2 District</li> <li>• Agricultural bulk storage and processing</li> <li>• Billboards</li> <li>• Commercial schools</li> <li>• Distribution</li> <li>• Fuel sales</li> <li>• Greenhouses</li> <li>• Heavy Vehicle repair</li> <li>• Laboratories</li> <li>• Manufacturing, Light and Heavy</li> <li>• Mobile Home and agricultural equipment Sales</li> <li>• Mini storage</li> <li>• Planned Unit Developments</li> <li>• Production, processing, assembling, treatment or packaging of goods</li> <li>• Public Utility installations</li> <li>• Research and Development</li> <li>• Towing</li> <li>• Truck terminals</li> <li>• Vehicle Repair</li> <li>• Warehousing and storage</li> <li>• Wind Power</li> <li>• Accessory uses</li> </ul>	Any special use permitted in the B-2 District	
	Alternative Energy Farms	<b>Section 7.26</b> <i>Alternative Energy Farms</i>
	Fireworks Storage	<b>Section 7.08</b> <i>Fireworks Storage</i>
	High Intensity Food processing	<b>Section 7.10</b> <i>High Intensity Uses and Waste Treatment or Disposal</i>
	Incarceration Facility	<b>Section 7.13</b> <i>Institutions: Educational, Religious, and Social</i>
	Incinerators	<b>Section 7.10</b> <i>High Intensity Uses and Waste Treatment or Disposal</i>
	Industrial parks	<b>Section 7.12</b> <i>Industrial Park</i>
	Intensive Livestock Operations	<b>Section 7.03</b> <i>Agricultural Operations</i>
	Junkyards, Scrap yards and Salvage yards	<b>Section 7.10</b> <i>High Intensity Uses and Waste Treatment or Disposal</i>
	Mining	<b>Section 7.16</b> <i>Mining</i>
	Petroleum or flammable liquid production, refining and storage	<b>Section 7.10</b> <i>High Intensity Uses and Waste Treatment or Disposal</i>
	Reduction, conversion and disposal of waste goods and materials.	<b>Section 7.10</b> <i>High Intensity Uses and Waste Treatment or Disposal</i>
	Sewage treatment and disposal	<b>Section 7.10</b> <i>High Intensity Uses and Waste Treatment or Disposal</i>
	Sexually Oriented Business	<b>Section 7.22</b> <i>Sexually Oriented Business/Media stores</i>
	Slaughter houses	<b>Section 7.03</b> <i>Agricultural Operations</i>
	Wireless Communication Facilities	<b>Section 7.24</b> <i>Wireless Communication Facilities</i>
Commercial marijuana provisioning center, processor, secure transporter and safety compliance center	<b>Section 7.25</b> <i>Commercial marijuana provisioning center, processor, secure transporter and safety compliance center</i>	

**TABLE 7. DIMENSIONS**

<b>z</b>	<b>R – F</b>	<b>R – F Less than 1 acre</b>	<b>D-1 [Large Lot]</b>	<b>D-1 [Small Lot]</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>
Lot Area, Min.	1 acre	Less than 1 acre	1 acre	Less than 1 acre	1 acre 12,000 s.f.**	1 acre 12,000 s.f.**	1 acre 12,000 s.f.**
Lot Width, Min.	100'	70'	100'	70'	104'	104'	104'
Depth, Min.	-	150'	-	150'	none	none	-
Front Yard, Min.	50'	35'	50'	35'	50'	50'	50'
Back Yard, Min.	25'	25'	25'	25'	25'	25'	25'
Side Yard, Min. Total	50'	20'	50'	20'	20'	20'	50'
Side Yard, Min. 1 side	25'	10'	25'	10'	10'	10'	25'
Corner Lot, Street, min.*	50'	10'	50	10'	50	50	50
Corner Lot, Other, min.	50'	15'	50	15'	20	20	20
Housing Unit., Min. s.f.	750	750	750	750	None	None	NA
Housing Unit, Min. dim.	14'	14'	14	24	NA	NA	NA
Height, Max. Feet	30'	30	30	30	30'	30'	30
Height, Stories	2	2	2	2	2	2	2
Coverage, Max. Percent	25	25	25	25	35%	35%	50%
Accessory Structures max sq ft. (non-farm)	No need to regulate	10% of lot size, not to exceed 1,800 s.f.	10% of lot size not to exceed 1,800	10% of lot size not to exceed 1,800 s.f.	NA	NA	NA

\*Unless otherwise stated in existing deed restrictions at the time of adoption of this ordinance.



\*\*Where sewer and water are provided, smaller lot sizes in the B-1, B-2 and I-1 districts shall be permitted.

#### Notes to Table 7

On waterfront property, the waterfront shall be considered the front yard for purposes of determining setback requirements. (Amendment approved by Planning Commission 5-7-08, by the Gladwin County board of Commissioners on 5-13-08, effective 6-1-08).

Where a parcel of land abuts more than one road, each road will require a front setback. (Amendment approved by Planning Commission 5-7-08, by the Gladwin County Board of Commissioners on 5-13-08, effective 6-1-08).

## Chapter 4 ■ General Regulations

### SECTION 4.1 USE REGULATIONS

- a. **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within two (2) years of the date of issuance.
- b. **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
- 1) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - 2) Buildings or structures necessary for provision of essential services.
  - 3) Gardens, garden ornaments and usual landscape features within required yard space.
  - 4) Retaining walls.
  - 5) Off street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.
  - 6) Home Occupations.
  - 7) Use of premises as a voting place.
  - 8) Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.
  - 9) Radio, TV antennas or satellite dishes.
  - 10) Swimming Pools – See applicable State laws.
  - 11) Front yard handicap access facilities in residential districts, with proof of need.
- c. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the Central Michigan District Health Department and applicable State agencies.
- d. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection. No vehicle, trailer, boat or other conveyance shall be parked or stored upon any parcel in such a manner as to hinder or obstruct the clear vision of motorists or pedestrians on the public thoroughfare or entering or exiting the parcel.
- e. **FENCES, WALLS AND NONBOTANICAL SCREENS.**

- 1) In all agricultural, residential and commercial districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within thirty (30') feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or six (6') feet in any side or rear yard. Fences which enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision.
  - 2) On any waterfront properties: Privacy fences equal to or greater than six (6') feet in height shall not be installed or erected closer than twenty (20') feet from the normal water's edge. These fences may be constructed using materials that provide one hundred (100%) percent obscuration. Within twenty (20') feet of normal water's edge, the following shall apply: The fence must not be more than four (4') feet in height. The fence must not obstruct the view of the water and cannot provide more than twenty (20%) percent obscuration in the construction or design.
- f. WINDMILLS. Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.
- g. WIND POWER. Wind power creation associated with generators is permitted in specified districts. Each tower must comply with a setback of at least one and one half times (1.5x) the maximum height of the tower from all parcel boundaries.
- h. NONCOMMERCIAL DOMESTICATED ANIMALS. Large domestic animals which are used essentially for pets, contests, riding, educational or other special purposes as individual animal specimens are permitted in R-F and D-1 Zoning Districts at the rate of one (1) on a minimum five (5) acres for the first animal and one (1) acre for each additional animal. Housing and animal manure sites or containers for all animals shall be located at least one hundred (100) feet from the property line.

## SECTION 4.2 DWELLING REGULATIONS

- a. SITUATIONS IN WHICH TEMPORARY DWELLINGS ARE ALLOWED. Use of a Mobile Home for a temporary Dwelling may be authorized under the following circumstances.
- 1) REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING. One (1) Mobile Home may be placed temporarily on a Parcel. The Mobile Home may house only the owner(s) of the Parcel and immediate family members during the repair of a Single Family Home. The Temporary Permit shall be valid for up to six (6) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Building Inspector.
- b. STRUCTURES TO BE OF UNIFORM QUALITY. Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- c. MAINTENANCE. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- d. ONE SINGLE FAMILY DWELLING PER PARCEL. Unless the structure is part of an approved Planned Unit Development, or permitted as a special use permit in section 7.07, only one (1) single family detached dwelling will be allowed to be erected on a parcel except as permitted by Special Use Permit in Section 7.07.

- e. **DIMENSIONS.** All single family dwellings must have a minimum width across any front, side and rear elevation of fourteen (14') feet and comply in all respects with the County Building Code, including minimum heights for habitable rooms.
- f. **RECREATIONAL VEHICLE (RV).** Recreational vehicles may be used as dwellings if they are placed on property owned by the resident of the RV and if they are not kept on the property more than six (6) months each calendar year. Regulations for RV's outside of campgrounds in preexisting developments with adopted deed restrictions at the time of this ordinance are exempt from the 6 month limit (if extended by special provision of the P.O.A., Property Owners Association.) No RV may be rented to another party or occupied by another party other than the owner of the land on which the RV is placed. During the period when the RV is placed on the owner's property, it must be hooked to (an approved) well and septic or sewer system located on the same property unless other disposal facilities are available within a platted development.

Regulations for RV's outside of campgrounds in pre-existing developments with adopted deed restrictions at the time of this ordinance are exempt from the six (6) month limit and "occupied by" provision, if extended by special provision of the (P.O.A.) Property Owners Association.

- g. **ACCESSORY BUILDING NOT FOR DWELLING USE.** No portion of an accessory building in any zoning district is to be used as a dwelling.
- h. **ATTACHED GARAGE YARD REQUIREMENTS.** Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- i. **MULTIPLE FAMILY STRUCTURES.** Multiple family structures or developments with more than 8 units must provide an outdoor common public area of no less than 10% of the total lot size for purposes of providing an area for outdoor recreation.

### **SECTION 4.3 PARCEL REGULATIONS**

- a. **MINIMUM LOT FRONTAGE.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.
- b. **ACCESS TO A STREET.** All parcels created after the effective date of this Ordinance shall have access to a public street. In addition, any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, shall have a hard surfaced approach to a public street.
- c. **CONTIGUOUS LOTS.** Lots that are contiguous and under one ownership shall be considered one lot for purposes of this ordinance.

### **SECTION 4.4 STRUCTURE REGULATIONS**

- a. **PERMITTED YARD ENCROACHMENTS.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards of the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapters, must be adhered to, as well as any requirements listed herein.
  - 1) Open porches, paved terraces and patios. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
  - 2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.

- 3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
  - 4) Signs, subject to provisions of Chapter 6.
- b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the B-1 or B-2 Zoning District and sixty (60') feet in the Industrial Zoning District.
  - 2) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the C Zoning Districts or in any Industrial Zoning District, subject to the Special Use regulations for accessory uses.
  - 3) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District.
- c. ABANDONED BUILDINGS AND STRUCTURES. Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other County codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable County codes.

## SECTION 4.5 BUFFERING REGULATIONS

The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

- a. The objectives of this approach are:
  - 1) To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means.
  - 2) To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.
- b. Buffers are required for cottage industry, commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.
- c. A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this ordinance by a fence, wall, berm or screen.

d. The Planning Commission shall determine the character of the buffer based on the following criteria:

- 1) Traffic impact
- 2) Increased building and parking lot coverage.
- 3) Increased outdoor sales, display and manufacturing area.
- 4) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
- 5) Visual, noise and air pollution levels.
- 6) Health, safety and welfare of the County.

e. A buffer may consist of any or all of the following:

- 1) Buffer area distance. The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a commercial or industrial districts, shall be according to the following table:

District	Distance between R-F zones	Distance between D-1 zones
I	45'	45'
B-2	30'	30'
B-1	30'	20'

- 2) The equivalent of one canopy tree and one evergreen tree must be planted per thirty (30') lineal feet or fraction of buffer area length.
- 3) Continuous rolling screen six (6') feet in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.

f. Construction Standards:

- 1) If a screen wall or fence is used for all or part of the buffer area then:
  - a) The equivalent of two (2) shrubs are required per thirty (30') feet of wall being a minimum of twenty-four (24") inches high at time of planting.
  - b) All required plants shall be placed on the side facing the exterior of the fence or wall. The exterior shall mean the side of the fence facing the less intensive use.
  - c) Two (2) evergreen trees must be planted for every thirty (30) linear feet or fraction of buffer area length must be planted.
  - d) Continuous rolling screen at least six (6') feet in height comprised of plant material, berming, screen walls or fences, or any combination of these elements is required.

- e) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- 2) All areas outside of planting beds shall be covered with grass or other living ground cover.
- 3) Minimum Standards for Berms:
  - a) Berms shall be constructed so as to maintain a side slope not to exceed one foot (1) rise to three foot (3') run ratio.
  - b) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. In addition to district requirements, the equivalent of one canopy tree and/or one evergreen tree per twenty (20') linear feet or fraction of buffer area achieves a minimum of six (6) feet high on average. Additional landscaping must be used within any areas that do not have a berm six (6) feet high.
  - c) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - d) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- 4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- 5) Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.
- 6) All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
- 7) Buffer areas must be designed by a person who is a licensed landscaper, certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
- 8) The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the County. All financial deposits must be deposited with the County prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the County, the deposited financial assurance may be used to install the required landscaping. Any unused portion thereof will be returned.

#### **SECTION 4.6 NONCONFORMITIES**

- a. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the County and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **HISTORIC PROPERTIES.** Any nonconforming property in Gladwin County which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this

Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

- c. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.

- 1) The nonconformity existed legally before the effective date of this Ordinance.
  - 2) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
  - 3) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
  - 4) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right of way, or over a neighboring property line.
- d. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- e. **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- f. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired PROVIDED that such restoration does not exceed fifty percent (50%) of its assessed value, as determined by the assessing officer, exclusive of foundations, provided that said use be the same or more nearly conforming with the provisions of the district in which it is located. Occupied single family dwellings in all districts are exempt from this regulation.
- g. **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Occupied single family dwellings in all districts are exempt from this regulation.
- h. **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.



- i. NONCONFORMING LOTS. In any district in which single family dwellings are permitted, a single-family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.

#### **SECTION 4.7 MEDICAL MARIJUANA**

Any cottage industry which includes any use under the Medical Marijuana Act shall have the following further restrictions:

- a. No more than twelve (12) plants may be grown by a caregiver or patient as a cottage industry.
- b. No more than a combination of two (2) patients or caregivers, in total, may use the premises as a medical marijuana cottage industry.
- c. No marijuana may be cultivated out-doors and all medical marijuana must be contained in an enclosed, locked facility or accessory building.
- d. All building, electrical, plumbing, and mechanical codes shall be satisfied where electrical wiring, lighting or watering devices support the growing of medical marijuana. E. Any portion of a building where energy usage and heat exceed typical residential use and the storage of chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspections and approval of the fire and environmental offices having jurisdiction and shall comply with relevant regulations.
- e. Any portion of a building where energy usage and heat exceed typical residential use and the storage of chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspections and approval of the fire and environmental offices having jurisdiction and shall comply with relevant regulations.
- f. Medical marihuana cottage industries shall be allowed only in one (1) family dwellings.

#### **SECTION 4.8 RESTRICTIONS**

No premises governed by this Ordinance shall be used or occupied for the purposes of a medical marijuana club, medical marijuana distribution facility, or a medical marijuana growing facility. Any use, cultivation or distribution of medical marijuana shall be allowed only to the extent such is lawful under State or federal law and in conformity with this Ordinance.

## Chapter 5 ■ Parking

### SECTION 5.1 INTENT

This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

### SECTION 5.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all nonresidential uses in all districts.

- a. APPLICATION. All developers of new or revised parking areas shall submit plans to the County Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. The site plan for any new or revised parking areas shall be presented for site plan approval by the Planning Commission.
- b. STANDARDS. The design and construction of parking areas shall conform to the following requirements:
  - 1) Parking spaces shall be at a minimum ten (10') feet by twenty (20') feet in size. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
  - 2) HANDICAPPED SPACES – All parking areas shall meet the requirements of all current laws related to handicapped accessible parking.

Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

Total in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

- 3) **AISLES.** Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
- For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-six (26) feet in width for two way traffic.
  - For sixty (60) degree parking the aisle shall not be less than thirteen (13) feet in width for one way traffic.
  - For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width for one way traffic.
- 4) **LIGHTING.** Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall spill beyond the lot lines of the property upon which it is located. Off-street parking areas provided for any multiple family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback standards for accessory structures for the applicable Zoning District. No direct rays from said fixtures shall be directed at adjacent properties or public streets.
- 5) **DRAINAGE.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and the drainage area shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
- 6) **BACKING ONTO PUBLIC ROAD.** All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.

- 7) **DRIVEWAY OPENING.** Each off-street parking driveway opening to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90°) degree angle where possible.
- 8) **CLEAR VISION AREA.** All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
- 9) **STRIPING.** Except for parallel parking, all parking spaces on paved surfaces shall be clearly marked with STRIPING that shall be maintained.
- 10) **LANDSCAPING.** Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- 11) **PAVED SURFACE SALES SPACE.** Portions of the required yard must be paved if used for sales space unless the use is classified as a temporary use.
- 12) **SCREENED.** Off-street parking areas shall be effectively SCREENED on any side that abuts a residential use or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
- 13) **ACCESS DRIVES** to and from a parking area shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed approved by the County staff and in the instance of (M-30), the Michigan Department of Transportation.
- 14) **SURFACE.** In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be paved surface with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
  - a) **GRAVEL.** Where the TABLE OF OFF-STREET PARKING REQUIREMENTS allows parking areas to be gravel surfaced, this surface must be of a material that provides a durable, smooth and dustless parking lot which is graded to properly drain and dispose of storm water.
  - b) **PAVED (HARD SURFACED).** Where the TABLE OF OFF-STREET PARKING REQUIREMENTS requires parking areas to be paved, this pavement must consist of at least six inches (6") of reinforced concrete or two inches (2") of bituminous surface laid over six inches (6") of compacted crushed stone. Hard surface must be in place within one year of occupancy.
- c. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by

all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- d. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.
- e. The **OCCUPANCY** of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.
- f. Parking spaces may **COUNT TOWARD THE REQUIREMENT** for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

### **SECTION 5.3 RESIDENTIAL DISTRICTS**

- a. **APARTMENTS.** Apartments require two (2) spaces per dwelling unit. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet exclusive of access drives or aisles. Parking areas must be on an approved surface of asphalt, concrete or gravel.
- b. **BOTHER USES.** For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership and shall be paved.
- c. **REPAIR WORK.** No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

### **SECTION 5.4 COMMERCIAL DISTRICTS**

- a. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.
- b. **PARKING SURFACE.** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.
- c. **LOADING AND UNLOADING SPACE.** In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the planning commission.

No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by

a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

In no case shall loading or unloading take place in such a manner that the right of way is occupied, clear vision area obstructed, or safe and efficient circulation negatively impacted.

- d. **REDUCTION IN PARKING SPACES REQUIRED FOR COMBINED PARKING.** In case of a situation where there is more than one use in a single structure, the following off-street parking regulations may apply:
- 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
  - 2) For three (3) uses, seventy-five (75%) percent.
  - 3) For four (4) uses, seventy (70%) percent.
  - 4) For five (5) or more, (65%) percent.
  - 5) In no case shall less than sixty-five (65%) percent be allowed.
- e. **OFF STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.**
- 1) An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
  - 2) Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.
  - 3) Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
  - 4) Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
  - 5) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
  - 6) No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
1. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
2. Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
3. Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area.
4. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
5. Child Care Center	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
6. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
7. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
8. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
9. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Township Planner.

Source: American Planning Association Parking publications

- f. USE OF PARKING AREAS. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this ordinance.

**SECTION 5.5 INDUSTRIAL DISTRICTS**

- a. LOADING AND UNLOADING SPACE. In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution

in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the planning commission.

No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

In no case shall loading or unloading take place in such a manner that the right of way is occupied, clear vision area obstructed, or safe and efficient circulation negatively impacted.

- b. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for everyone (1) employee on the largest shift.
- c. **UNCLASSIFIED USES.** In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.
- d. **REDUCTION IN REQUIRED PARKING SPACES FOR COMBINED PARKING.** In case of a situation where there is more than one use in a single structure, the following off-street parking regulations may apply:
  - 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
  - 2) For three (3) uses, seventy-five (75%) percent.
  - 3) For four (4) uses, seventy (70%) percent.
  - 4) For five (5) or more, (65%) percent.
  - 5) In no case shall less than sixty-five (65%) percent be allowed.
- e. **PARKING SURFACE:** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

## **SECTION 5.6 NUMBER OF PARKING SPACES REQUIRED**

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator. Handicapped parking shall be provided.

- a. **FLOOR AREA.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage, installations of mechanical equipment, penthouses, housing ventilators, heating systems, and similar uses.
- b. **MULTIPLE USES.** In case of a situation where there is more than one use in a single structure, the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking, or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.
  - 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.



- 2) For three (3) uses, seventy-five (75%) percent.
  - 3) For four (4) uses, seventy (70%) percent.
  - 4) For five (5) or more, (65%) percent.
  - 5) In no case shall less than sixty-five (65%) percent be allowed.
- c. SINGLE USES. In cases where there is a single specified use, the following regulations shall apply:
- 1) Vehicle sales. One parking space per each five hundred (500') square feet of sales floor area.
  - 2) Vehicle service garages. One parking space for each five hundred (500') square feet of building floor area.
  - 3) Barber and beauty shops. Two (2) parking spaces for each chair or booth.
  - 4) Bowling alleys. Four (4) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
  - 5) Places of public assembly. One (1) parking space for each three (3) seats or where those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat.
  - 6) Commercial recreation (outdoor). Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
  - 7) Commercial recreational (indoor). One (1) parking space for each one hundred (100) square feet of building floor space.
  - 8) Dance hall, roller rink, assembly hall. Without fixed seats, five hundred (500%) percent of the building floor area used for dancing or assembly.
  - 9) Funeral homes. Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle.
  - 10) Furniture sales, retail. One (1) parking space for each five hundred (500) square feet of building floor area.
  - 11) Gasoline service stations. One (1) parking space for each employee on the largest shift, plus one for each service bay.
  - 12) Hospitals and convalescent homes. One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds.
  - 13) Laundromats. One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.
  - 14) Libraries and Museums. One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
  - 15) Livestock Auction. One (1) space for each one hundred (100) square feet of building, pens, and all enclosed areas on the premises of the auction facility

- 16) Motels, hotels, motor courts, tourists or lodging homes, trailer courts, and clubs. One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.
- 17) Office buildings, including banks, business and professional offices. One (1) parking space for each four hundred (400) square feet of building floor area, but in no case less than five (5) spaces.
- 18) Private clubs and lodges. One (1) for each three (3) active members and one (1) for each employee normally engaged in and about the premises, with a minimum of one (1) for each one hundred (100) square feet of floor space.
- 19) Restaurants, taverns, bars, cocktail lounges, and similar eating establishments. One (1) parking space for each four (4) seats provided for patron use.
- 20) Retail sales and personal services Self-serve food market or supermarket. Parking area equivalent to one (1) space per three hundred (300) square feet of the public floor area.
- 21) Schools; Private or Public Elementary and Junior High Schools. One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity and one (1) for each eight (8) auditorium seats.
- 22) Senior High School and Institutions of Higher Learning, Private or Public. One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
- 23) Theaters, auditoriums, stadiums. One (1) parking space for each four (4) seats.
- 24) Warehouses, storage buildings, lumber and supply yards, wholesale sales. Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

## Chapter 6 ■ Signs

### SECTION 6.1 SCOPE

- a. These standards are adopted to:
- 1) Maintain and enhance the aesthetics of the community.
  - 2) Enhance pedestrian and traffic safety.
  - 3) Preserve public health, safety, and welfare.
  - 4) Minimize the adverse effects of signs on nearby public and private property.
  - 5) Minimize driver distraction.
  - 6) Encourage appropriate plants and landscaping material.
  - 7) Avoid excessive signage.
  - 8) Protect and enhance the scenic views and natural landscapes.
  - 9) Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
  - 10) Promote the use of aesthetically pleasing sign materials and colors.
  - 11) Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
  - 12) Preserve the right to enjoy scenic amenities.
  - 13) Enhance the effectiveness of necessary directional and warning signs.
  - 14) Preserve property values.
  - 15) Provide for the effectiveness of permitted signs.
  - 16) Avoid adverse lighting or reflection.
  - 17) Require structurally safe signs.

### SECTION 6.2 PERMIT PROCEDURE

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the County Zoning Administrator. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

- a. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
- 1) **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

- 2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- b. APPLICATIONS. Application for a permit to construct or locate a permanent sign shall be obtained from the County Zoning Administrator. The application shall include the following information.
  - 1) Name, address, telephone number of the landowner, developer, or petitioner.
  - 2) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
  - 3) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
  - 4) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - 5) The proposed dates of construction and completion of the sign.
  - 6) Structural information necessary to comply with all current building codes.
  - 7) In the case of a portable sign, the length of time the proposed sign will be on the site.
  - 8) A fee shall be paid to the County for each sign permit. A schedule of fees shall be established and amended from time to time by the County Board.
- c. DURATION OF PERMIT FOR PORTABLE SIGNS. All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days.

Zoning District	Duration of Permit	Permits per Parcel
R-F, D-1 (Non-Profit)	exempt	No limit
R-F, D-1 (All Other)	14 days	6 per year
B-1, B-2	30 days	4 per year
INDUSTRIAL	30 days	4 per year

**SECTION 6.3 MEASUREMENT OF A SIGN**

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line.

**SECTION 6.4 SIGNS PERMITTED**

**TABLE 8: SIGNS PERMITTED**

Distri ct	Type	# per Parcel	Size	Placement	Height
<b>R-F</b>	•Non-dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Small sign	1	6 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	no limit	Anywhere on bldg.	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>D-1</b>	•Non-dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Small sign	1	6 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	12 sq. ft.	Any wall	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>B-1</b> <b>B-2</b>	•Wall	No limit	64 sq. ft.	Any where on bldg.	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Within required yard	8ft.
	•Marquee	1	32 sq. ft.	On structure	Height, highest eave
	•Portable	1	32 sq. ft.	Within required yard	8ft.
	•Electronic Message Board	1	32 sq. ft.	Within required yard	12ft.
<b>I</b>	•Wall	1	no limit	Anywhere on bldg.	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Within required yard	8ft. at grade of lot line
	•Pole sign	1	64 sq. ft.	Within required yard	12ft. at grade of lot line
	•Portable	1	32 sq. ft.	Within required yard	5ft.

NOTES TO TABLE

1. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
2. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.

3. Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1') foot by four (4') feet for each business within the business center. The entire sign shall not exceed eight (8') feet in height. If more than five (5) businesses are located in one center, additional monument signs will be allowed using the same one (1') foot by four (4') foot signs. "One (1) wall is allowed per individual business of sixty-four (64) square feet in a business center."
4. The height of wall signs may be up to the height of the wall.
5. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first- floor business.
6. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
7. Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
8. POLITICAL CAMPAIGN SIGNS. Signs up to an area of 6 square feet for each parcel. Signs between six (6) and thirty-two (32) square feet require a permit and are not exempt from these requirements. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
9. ELECTRONIC MESSAGE BOARDS. The message/symbol/picture change cycle of a changeable message sign shall be not less than ten (10) seconds per message/symbol/picture.
10. NON- DWELLING USE SIGNS. In the A-1, R-1, R-2 and R-3 districts, only non-dwelling use signs may be illuminated provided that the light is not visible from any street or adjoining property.

## **SECTION 6.5 SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following exempt Signs are allowed in all zoning districts within the County. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- a. CONSTRUCTION SIGNS. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.
- b. SMALL SIGNS. In the R-F and D-1 zoning districts, one (1) sign, no greater than six (6) sq. ft. or five (5') ft. in height is permitted without a permit, provided it is located within the required yard.
- c. PRIVATE TRAFFIC DIRECTION SIGNS. Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.

## **SECTION 6.6 PROHIBITED SIGNS**

Signs are prohibited that:

- a. Are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.
- b. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- c. Are not properly anchored or secured to a building or the ground.

## **SECTION 6.7 ILLUMINATION**

There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

In the R-F and D-1 districts, only non-dwelling use signs may be illuminated.

## **SECTION 6.8 NONCONFORMING SIGNS**

Note that portable signs are not considered to be acceptable nonconforming structures.

Nonconforming signs:

- a. Shall not be changed in such a way to remain nonconforming.
- b. Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

## **SECTION 6.9 CONSTRUCTION AND MAINTENANCE**

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the County Zoning Administrator and from the County Building Inspector.

## **SECTION 6.10 VIOLATIONS AND REMOVAL**

- a. Any sign erected, altered, or converted subsequent to the passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- b. Upon discovery of a violation of this Chapter the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the County Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Chapter or removed.
- c. The Zoning Administrator or his/her representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- d. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his/her deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.

- e. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article they shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- f. If the decision and order provided for in E. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- g. Nothing in this Section shall prevent the Zoning Administrator or County Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

### SECTION 6.11 ABANDONED SIGNS

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

### SECTION 6.12 BILLBOARDS

Billboards may be established in all zoning districts except the Dwelling Districts (D-1), provided that, they meet the following conditions:

- ~~A.~~ Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the County of Gladwin where the particular street or highway extends beyond such boundaries. Double face billboard structures (i.e., structures having back to back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one another) shall be considered as one (1) billboard, otherwise,, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirements set forth in subsection "B" below.
- ~~B.~~ No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
- C. No billboard shall be located within two hundred (200) feet of a Dwelling District (D-1), and/or existing residence. If the billboard is illuminated, this required distance shall be three hundred feet (300).
- D. No billboard shall be located closer than ten (10) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located. No billboard shall be located within five hundred (500) feet of an intersection. The five hundred (500) feet shall be measured from the center of the intersecting roadways.



- Ⓔ. The surface display area of any side of a billboard may not exceed six hundred (600) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed six hundred (600) square feet.
- F. The height of a billboard shall not exceed thirty (30) feet above the grade of the abutting roadway.
- G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- H. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event, shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- I. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignments of structure, continued structural soundness, and continued readability of message.
- Ⓙ. The spacing requirements provided in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

Items with double ~~strike through~~ can not be regulated on state highways.

## Chapter 7 ■ Special Use Permits

### SECTION 7.1 INTENT, PURPOSE AND PROCESS

- a. **INTENT.** In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
- b. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- c. **PROCESS.** Regulation of Special Uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the Site Plan for the proposed use. Third is the decision of whether a Special Use Permit will be granted.
- 1) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
  - 2) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  - 3) **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

### SECTION 7.2 HOW A SPECIAL USE PERMIT IS REVIEWED

- a. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Gladwin County Zoning Administrator.
- 1) **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Gladwin County Planning Commission and a site plan.
  - 2) **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.

- b. **CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
- 1) **SEPARATE.** The rezoning shall be considered separately & prior to the Special Use Permit.
  - 2) **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the County Board.
  - 3) **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
  - 4) **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
- 1) **PUBLIC HEARING ON SPECIAL USE.** The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
    - a) **NOTICE.** A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the County not less than fifteen (15) days before the date of such hearing.
    - b) **DELAY AT APPLICANT'S REQUEST.** If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
  - 2) **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the site plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
    - a) **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
    - b) **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.

- 3) **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place.
  - a) **OPEN MEETING.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
  - b) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
- d. **REAPPLICATION.** An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- e. **TERMS OF PERMIT.** A Special Use Permit consists of a Permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- f. **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item E, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or "runs with the land." However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated
  - 1) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
  - 2) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
  - 3) **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
  - 4) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
  - 5) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

## g. STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.

- 1) STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter.
- 2) ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this ordinance. The permit will not take affect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
- 3) ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

**SECTION 7.3 AGRICULTURAL OPERATIONS**

- |  |   |
|--|---|
| ■ Animal Feeding, Intensive livestock Operations | ■ Raising & keeping small animals and livestock |
| ■ Livestock Auction/Production yards             | ■ Wholesale agricultural products storage       |
| ■ Grain and Seed Elevators                       | ■ Slaughter houses                              |
| ■ Sales and service of agricultural machines     | ■ Riding stables                                |
|  | ■ Sawmills                                      |

Livestock Production Facilities and Animal Feeding Operations, as defined in this ordinance shall

COMPLIANCE WITH APPLICABLE LAWS. Shall comply with all applicable local, state and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 *et seq*), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, M.C.L. 324.3101-324.5399), and the most recent Generally Accepted Agricultural and Management Practices, published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, M.C.L. 286.471 *et seq*). Where required by the Right to Farm Act for nuisance protection, New and Expanding Livestock Production Facilities (as defined in the Generally Accepted Agricultural and Management Practices) shall have proposed sites verified by the Michigan Department of Agriculture.

- a. SETBACKS: The following requirements shall apply to every parcel, building, structure or use on which an animal feeding operation or livestock production facility is located:

- 1) Front Yard – The minimum front setback shall not be less than the greater of these two measurements: One hundred (100') feet from the right of way or one hundred sixty six feet (166') from the center of the road.
  - 2) Rear Yard – The minimum rear setback shall not be less than fifty (50') feet.
  - 3) When a proposed Animal Agriculture or Livestock Production Facility is within one hundred (100') feet of any dwelling, the parcel owner of the proposed new use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
    - a) a buffer area (setback) of fifty (50) feet, or
    - b) a berm four (4) feet or more high, or
    - c) solid wall four (4) feet, or more, in height, or
    - d) a proportionately adjusted combination of the above
    - e) or any combination of the above or an alternative mutually agreed upon by the property owner of the new use and the property owner of the existing contiguous use.
- b. MINIMUM PARCEL AREA. No building, structure or use shall be established on any parcel less than twenty (20) acres.

#### **SECTION 7.4 BED AND BREAKFAST**

- a. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Gladwin County Health Department.
- b. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a maximum of seven (7) guest rooms in any case.
- c. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size, or six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.
- d. The establishment shall contain the principal residence of the operator.

#### **SECTION 7.5 CEMETERIES**

Cemeteries shall be subject to the following conditions:

- a. No building shall be closer than one hundred (100) feet from any property line.
- b. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.
- c. Direct ingress and egress shall be from a county road.
- d. Unless otherwise prescribed elsewhere in this Ordinance, a ten (10) foot landscaping/greenbelt shall be provided around the perimeter of the property utilized for the cemetery.

**SECTION 7.6 COTTAGE INDUSTRIES**

- a. **INTENT.** It is the intent of this Chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this Chapter.
- b. **PERMIT.** Cottage Industries are permitted upon issuance of a Special Use Permit.
- c. **SPEICAL USE STANDARDS.**
- 1) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
  - 2) The use is environmentally sound regarding the project site and region.
  - 3) No additional service demands will be created by the use.
- d. **SPECIFIC STANDARDS**
- 1) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises.
  - 2) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.
  - 3) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed two thousand four hundred (2,400) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the special use permit.
  - 4) One (1) non-illuminated sign not exceeding eight (8) square feet.
  - 5) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.
  - 6) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
  - 7) There shall be no dumpster located on the property.
  - 8) No disabled, unlicensed or inoperable vehicles of any kind, including trailers, semi cabs or tractor trailers shall be stored outside.
  - 9) All outside storage of other evidence of a cottage industry shall be screened from view from the road and all adjacent properties either by fencing, berming or vegetation.
  - 10) The use of a building by a patient or a caregiver under the Medical Marihuana Act, whether for remuneration or not, shall be considered as a cottage industry. No business or commercial operation that sells or includes medical marihuana as a portion of its inventory shall be considered as a cottage industry.

**SECTION 7.7 DWELLING UNIT, ADDITIONAL**

- a. **INTENT.** It is the intent of this section to permit the construction of one additional single-family residential dwelling unit (attached or detached) where only one single-family residential dwelling unit is permitted. This additional unit may not be rented for any use other than that described in this section.
- b. **USE.** The use of an Additional Dwelling Unit is to be secondary in relation to the Primary Residential Unit, as defined in Chapter 2, and generally used by persons dependent on members of the immediate family dwelling in the Primary Residential Unit. Such Persons could include, but are not limited to, the elderly, or physically and/or mentally disabled.
- c. **REQUIREMENTS.** All additional Dwelling Units shall conform to the following requirements:
- 1) **COUNTY REQUIREMENTS.** All applicable County requirements and the County's zoning provisions applicable to residential uses are met, including but not limited to, building height, setback, maximum lot coverage, parking and floor area requirements.
  - 2) **HEIGHT AND LOCATION.** Residential second units may be within the primary living unit or within a separate building on the same lot as the primary living unit. If within the primary living unit, the second unit may be located in any habitable area. If added to the existing primary living unit, the location of the second unit shall not create an additional story above the first floor. Residential second units newly constructed as such or added to an accessory building shall be limited to a single story with a maximum building height of eighteen feet at any point when measured from either existing or finished grade.
  - 3) **MAXIMUM SIZE.** Residential second units must not exceed 700 square feet in floor area. Approval of a residential second unit is conditioned upon the owner of record maintaining their residence upon the same parcel as that of the residential second unit.
  - 4) **PARKING.** One parking space shall be provided for each residential second unit. The required parking space may be in tandem and within the setback areas but shall be screened from public view.
- d. **ADMINISTRATIVE DESIGN REVIEW.**
- 1) **PRESERVATION OF EXISTING SITE CONDITIONS.** All areas disturbed by construction of a residential second unit must be finished to a natural appearing configuration and planted and seeded.
  - 2) **RELATIONSHIP BETWEEN STRUCTURE AND SITE.** All new residential second units constructed shall be designed to relate to the natural land forms and to better integrate the unit with the site.
  - 3) **MATERIAL AND COLORS.** Residential second unit construction shall be of the same exterior materials, color and style as that of the primary living unit including roof, eaves, windows, doors and detailing.
  - 4) **EXTERIOR LIGHTING.** Any lighting installed as part of a second residential unit project shall be shielded and directed downward. Lighting shall be low wattage and incandescent.

**SECTION 7.8 FIREWORKS STORAGE**

- a. **PURPOSE.** The purpose of this regulation is to provide guidelines for the safe storage of fireworks in the residential farming and industrial zones. These regulations only apply to materials that have



been licensed under the regulations of the Bureau of Alcohol, Tobacco and Firearms and the State of Michigan and are awaiting County approval. It is the intent of these regulations to separate storage of fireworks from adjacent uses, provide for aesthetic and buffering requirements for the storage container, limit traffic to and from the container, provide for the safety of surrounding people, animals and property and maintain control over the ongoing storage of such materials. By storing these materials in an agricultural area, it is intended to locate this land use in a safe environment by isolating it from more intense land uses and zoning districts, thereby reducing the risk of injury and property damage and to discourage the curiosity of people that might occur in more populated areas elsewhere.

- b. **SITE OWNERSHIP.** The site on which fireworks are stored must be owned by the person in whom the ATF and State permit is issued. Both permits must be in the same name. A dwelling unit must be located on the same site, also owned by the person named on the ATF and State permit and occupied by that person on a full-time basis in an agricultural zone.
- c. **NOT A HOME OCCUPATION.** Storage of fireworks is not a Home Occupation as defined by the Gladwin County Zoning Ordinance. This statement is intended to serve as the interpretation of the definition of a Home Occupation should the question arise.
- d. **MINIMUM SITE SIZE.** The minimum site size is ten (10) acres.
- e. **SETBACKS.** The storage container and/or structure must be set back minimally
  - 1) As defined by the ATF, from the nearest dwelling unit or inhabitable building, including the dwelling unit occupied by the owner of the site, from the nearest structure housing animals, and from the nearest road right of way. If an adjoining property owner chooses to construct a home or other inhabitable structure closer than the specified setback, the fireworks storage shall be moved or the permit to store fireworks shall be revoked upon the issuance of a certificate of occupancy for the structure.
  - 2) One thousand (1000') feet from the nearest day care center or institution of any kind.
  - 3) If state or federal regulations are more stringent than those in this Ordinance, the most restrictive regulations shall apply.
- f. **TYPE OF STRUCTURE.** The structure must be of a temporary nature and may not have a permanent foundation. The purpose of this regulation is to facilitate dismantling of the structure should the permit requirements cease to be met and to discourage other uses of the structure in the future.
- g. **TYPE AND QUANTITY OF MATERIALS STORED.** The only materials that may be stored in the structure are those specifically listed in the ATF and/or State of Michigan permit. All other materials commonly associated with the use of fireworks materials may not be stored in the structure nor in any other structure located on the premises. Both state and federal regulations must be adhered to, and the most restrictive regulations at the state and/or federal level shall apply. If state or federal regulations become more stringent during the tenure of this Ordinance, the most restrictive regulations shall apply.
- h. **ACCESS TO STORAGE STRUCTURE.** The owner of the site and his or her employees may access the structure with a vehicle as needed. No other vehicles or persons are allowed to access the site. The purpose of this regulation is to minimize the amount of traffic in an otherwise residential/ agricultural setting, control access to the materials.

- i. **BUFFERING.** The structure must be buffered from view by at least 50% obscuration by any means using only natural plant materials.
- j. **NO RETAIL SALES.** No sales of any kind of any materials may take place on the site, either retail or wholesale.
- k. **ATF and STATE OF MICHIGAN PERMIT.** A valid ATF and State of Michigan permit must be maintained to allow continuation of the Special Use Permit. Annual ATF and/or State of Michigan permits may not be automatically renewed by the building inspector, County staff or elected officials. In addition, this Special Use does not run with the land, but with the owner, unlike other Special Uses and is automatically void should the ownership of the site on which the explosives are stored or the ownership of the dwelling unit change. This is an exception to the Ordinance as a whole and is noted as such in these regulations by this statement.
- l. **OTHER RESTRICTIONS AS REQUIRED BY THE PLANNING COMMISSION.** Other restrictions may be imposed on the site, the owner, the structure or other aspects of storage of explosives as deemed necessary by the Planning Commission with the intent of this section.

## **SECTION 7.9 GOLF COURSES**

Golf courses, country clubs, and other similar land uses including accessory uses such as clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants and caretaker residence shall be subject to the following conditions:

- a. Minimum site area shall be forty (40) acres.
- b. The location of any structure and their operations shall be reviewed to insure minimum disruption of the adjacent properties, and as much distance as is practical shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially planned, zoned, or used property.
- c. All storage, service and maintenance areas when visible from adjoining residentially planned, zoned, or used land shall be screened from view according to the buffering regulations in this ordinance.
- d. All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission and Board of Commissioners to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land planned, zoned, or used for residential purposes.
- e. If applicable, the caretaker's residence must meet the minimum requirements of the district.
- f. Direct ingress and egress shall be from a paved road.
- g. Applicant shall provide a detailed site description showing all structures and accessory structures

## **SECTION 7.10 HIGH INTENSITY USES, WASTE TREATMENT AND DISPOSAL**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are:

- |   |  |
|---|--|
| ■ Sewage Treatment and Disposal   | ■ Salvage Yard, Scrap Yard, Junk yard, Landfill                  |
| ■ High Intensity Food Processing  | ■ Petroleum or flammable liquid production, refining and storage |
| ■ Reduction, conversion & disposal of waste goods and materials, Incinerators | ■ Sawmills   |

Petroleum or inflammable liquids production, refining, storage, Junk Yard, Incinerator, and Sewage Treatment and Disposal Facility.

- a. GENERAL. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. TREE BUFFERS FOR LANDFILLS AND JUNKYARDS. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- c. NO HAZARDOUS OR TOXIC WASTE. No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- d. TRUCK ACCESS. Routes for truck movement to and from the site shall be identified by the Gladwin County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- e. ACTIVITY RESTRICTIONS. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- f. FENCE REQUIREMENTS.
  - 1) AROUND LANDFILL OR INCINERATOR. Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
  - 2) AROUND JUNK YARD OR RESOURCE RECOVERY. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.

- 3) AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
- g. RESTORATION OF LANDFILL SITES. Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

### **SECTION 7.11 INDOOR AND OUTDOOR COMMERCIAL RECREATION**

- a. INDOOR COMMERCIAL RECREATION. Indoor commercial recreation uses included, but are not limited to: bowling alleys, ice or roller rinks, firearm ranges, indoor fields and racquet courts, and athletic clubs.
  - 1) The sites shall be located on or shall have principal access from a major thoroughfare or county primary road.
  - 2) Minimum site area shall be one (1) acre.
  - 3) No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned, or used property.
  - 4) Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned, or used land.
  - 5) Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and the Board of Commissioners may stipulate noise standards beyond those stipulated otherwise in this Ordinance
  - 6) Operating hours for all uses shall be determined by the Planning Commission and the Board of Commissioners based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to midnight.
- b. OUTDOOR COMMERCIAL RECREATION: Outdoor Commercial recreation uses shall include, but may not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.
  - 1) The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.
  - 2) All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two streets or highways.
  - 3) No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
  - 4) Minimum site area shall be based on the underlying district. However, the Planning Commission and the board of Commissioners may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end,

the Planning Commission and the Board of Commissioners may require additional information concerning the proposed use and the potential for nuisance.

- 5) No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned, or used property.
- 6) A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned, or used land. However, the Planning Commission and the Board of Commissioners may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited.
- 7) Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five (5) foot wall shall be provided along the side of the parking area adjacent to such land.
- 8) Race tracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight (8) feet in height.
- 9) Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Board of Commissioners.
- 10) Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.
- 11) Central loudspeakers/ paging systems are prohibited within two hundred (200') feet of residentially planned, zoned, or used property. Such systems shall not be directed toward a residential area even if outside the 200-foot setback.
- 12) Operating hours for all uses shall be determined by the Planning Commission and the Board of Commissioners based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to Midnight.

## **SECTION 7.12 INDUSTRIAL PARK**

- a. **PERMITTED USES IN INDUSTRIAL PARK.** Uses primarily engaged in research and light manufacturing activities.
  - 1) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
  - 2) Distribution and Warehousing Plants
  - 3) Administrative, professional and business offices associated with and accessory to a permitted use.
  - 4) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
  - 5) Agricultural uses, pending development.
- b. **DEVELOPMENT STANDARDS.**
  - 1) **SETBACKS.** No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:
    - a) **Front Yard Setback.** Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.

- b) Side Yard Setback. Ten (10') feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
- c) Rear Yard Setback. The rear yard shall be thirty (30') feet.
- c. BUILDING HEIGHT. The maximum building height shall be thirty-five (35') feet.
- d. BUILDING CONSTRUCTION AND MATERIALS. All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including buildings associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.
- e. SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:
  - 1) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
  - 2) Only one (1) single faced or double-faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
  - 3) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of thirty-two (32) square feet.
  - 4) No ground signs shall exceed four (4') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, and Construction Sign.
  - 5) Wall Signs shall be fixture signs; Signs painted directly on the surface of the wall shall not be permitted.
- f. PARKING. The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full-time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking space for each full-time employee (per shift).
- g. LANDSCAPING. The front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.

- 1) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
  - 2) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- h. LIGHTING. All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard or affect adjoining residents.
- i. TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
- j. NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

### **SECTION 7.13 INSTITUTIONS: RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE, INCARCERATION**

Religious, Educational, Social Institutions and Retreats approved by the Planning Commission are subject to the following conditions:

- a. Direct ingress and egress shall be from a paved road
- b. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- c. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.

### **SECTION 7.14 KENNELS**

Commercial Kennels shall be subject to the following conditions:

- a. Compliance with all County and State Regulations
- b. All activities shall be conducted within a completely enclosed structure.
- c. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- d. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions
- e. Kennel facilities shall be designed as follows
  - 1) Constructed of masonry or comparable sound-proofing material.
  - 2) Mechanical ventilation shall be provided in all areas.
  - 3) Floor drains are to be directly connected to a sanitary sewer system approved by the Health Department.

## f. Operating standards:

- 1) Animal odors and habitual barking noises shall not be detectable beyond the lot lines of the property in which the kennel is located.
- 2) Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses.
- 3) The premises shall be kept clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor.
- 4) Refuse shall not include animal waste.
- 5) Animal waste shall be disposed of through a sewage disposal system.
- 6) Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering)

**SECTION 7.15 MANUFACTURED HOUSING PARK**

## a. PERMITTED USES:

- 1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this section.
- 2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
- 3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.
- 4) Public Service Installations

## b. INTERNAL ROADS.

- 1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.
- 2) Dead end internal roads shall terminate with a turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- 3) A safe-sight distance of 250 feet shall be provided at intersections.
- 4) Offsets at intersections, or intersections of more than 2 internal roads are prohibited.
- 5) Internal roads shall have driving surfaces with widths not less than the following:
  - a) No parking, 21 feet.
  - b) Parallel parking, 1 side, 31 feet.
  - c) Parallel parking, 2 sides, 41 feet.



- 6) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:
  - a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.
  - b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
  - d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.
- 7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American association of state highway and transportation officials (AASHTO), which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$480.00.
- 8) The community developer may use other suitable material of equal quality if approved by the department.
- 9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.
- 10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within 100 feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq.
- 11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- 12) Internal roads shall be named and so identified by signs located at all internal road intersections.
- 13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.
- 14) Vehicle Parking.
  - a) All home sites shall be provided with 2 parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:

- (1) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side than the combined width of the 2 parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.
  - (2) A parking space shall be hard-surfaced.
- b) Additional parking facilities.
- (1) A minimum of 1 parking space for every 3 home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a road or sidewalk.
  - (2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
- c. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:
- 1) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
  - 2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15- foot candles.
  - 3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05- foot candles.
  - 4) If a central park mail box, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
  - 5) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- d. SANITARY SYSTEM. Each mobile home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed, and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the mobile home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. If the central water system cannot support fire hydrants, 'dry' fire hydrants shall be installed. When the property is more than one hundred fifty (150) feet along a public right-of-way from either municipal water or sewer supply lines or sewers, a private system may be installed as approved by the County Health Department. Otherwise, each mobile home park shall be connected to the Township water and/or sanitary sewage disposal systems and each mobile home site shall be connected.

Public sewer systems shall be required in a manufactured home development if available within two hundred (200') feet at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state approved sewage system.

- e. **SOLID REFUSE, GARBAGE AND RECYCLABLES.** The disposal of solid refuse shall comply with all County and other government requirements for refuse disposal.
- f. **UTILITIES.** All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines shall be placed entirely underground throughout the mobile home park.
- g. **OPEN SPACE.** An open space dedicated to use by Mobile Home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet.
- h. **MOBILE HOME INSTALLATION.** Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

### **SECTION 7.16 MINING**

- a. **SCOPE OF REGULATIONS.** This Section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This Section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Finally, oil wells are specifically exempted from this Section, because they are regulated solely by the Michigan Department of Natural Resources.
- b. **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this Section must include the following additional information.
  - 1) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
  - 2) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
  - 3) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
- c. **EXCAVATION SITE REQUIREMENTS.**
  - 1) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
  - 2) Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
  - 3) Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.
- d. **CONSTRUCTION AND OPERATION REQUIREMENTS.**
  - 1) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.

- 2) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.
- 3) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
- 4) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
- 5) When a mining operation is adjacent to developed residential land, no machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before dawn or after dusk.
- 6) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
- 7) When two (2) or more Dwellings are located within two hundred feet (200') of the edge of any water body on an excavation site or on any parcel said water body shall be enclosed by a fence at least four feet (4') high with a lockable gate.
- 8) Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards.

#### **SECTION 7.17 OUTDOOR ASSEMBLY**

- a. ALL ACCESS FROM COUNTY PRIMARY ROAD. All traffic ingress and egress shall be from a County Primary road or a State highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- b. DRIVEWAYS REMOTE FROM INTERSECTIONS. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
- c. SIGHT DISTANCE. All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.
- d. ENTRANCE GATES. One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.
- e. SCREENS. Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

#### **SECTION 7.18 PLANNED UNIT DEVELOPMENT**

- a. INTENT. This Section is intended to encourage innovation in land use patterns and variety in design for development of large Parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.

- b. **PERMITTED USES AND STANDARDS.** A Planned Unit Development (PUD) may include all Uses By- Right and Special Uses listed for the Zoning District which applies to its site, AND for the Zoning District that immediately precedes and follows it in the following list of districts:

**D-1**

**B-1**

**B-2**

**I-1**

For example, a PUD proposed for a Parcel zoned D-1 Large Lot could include all Uses identified for the R-F, D-1 Large Lot and D-1 Small Lot Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Use- By Right in another, it may be treated as a Use By-Right for the PUD.

- c. **USE DENSITY AND PARCEL COVERAGE.** Parcel Coverage limits for the applicable Zoning District must be met overall, with the following additions.
- 1) **RESIDENTIAL COVERAGE IN BUSINESS ZONING DISTRICTS.** For a PUD located in the B Zoning Districts, up to fifty (50%) percent of the allowable Parcel Coverage may be devoted to structures for residential Uses.
  - 2) **NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS.** For a PUD located in the D-1 Zoning District, up to twenty (20%) percent of the allowable Parcel Coverage may be devoted to structures for nonresidential Uses.
  - 3) **RESIDENTIAL DENSITY.** The maximum residential density shall be one (1) dwelling unit for every four thousand (4,000) square feet of Parcel area. Single Family or Two- Family Dwellings shall meet the Dwelling Unit Area requirements specified for the D-1 Zoning District.
- d. **DIMENSIONAL REQUIREMENTS.** Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height limitations and minimum yards between dwelling structures shall be as specified for the B-1 Zoning District. However, if plots of land in a PUD are proposed for resale as either fee simple Parcels or Site Condominiums, said Parcels or condominium units, and any buildings thereon, must meet the Parcel Dimension and Yard requirements for the D-1 Large Lot Zoning District.
- e. **OPEN SPACE.** At least ten (10%) percent of any Parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses may be included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.
- f. **PARKING AND CIRCULATION.** Parking for Uses in a PUD shall conform to the requirements of individual uses. Roadways in a PUD are intended to be Public Streets and must be built to the standards of the applicable public agency.

**SECTION 7.19 RECREATIONAL VEHICLE PARK, CAMPGROUND**

- a. OCCUPANCY. Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short-term housing or shelter arrangements.
- b. RESIDENT MANAGER. Each RV Park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented.
- c. REGULATORY COMPLIANCE REQUIRED. RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of Community Health and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.
- d. GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4') feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy -five (75') feet from any street right of way or neighboring property line.
- e. PERSONAL CARE FACILITIES. Each RV Park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, washbasins, toilets, showers and waste containers. These facilities shall be provided uniformly through out the park at a ratio not less than one (1) toilet and sink for each eight 8 camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- f. INDIVIDUAL CAMPSITE REQUIREMENTS. Each RV parking site or campsite shall be a minimum of twelve hundred (1200) square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least two hundred (200) square feet.

**SECTION 7.20 SELF STORAGE FACILITIES / MINI STORAGE**

- a. Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100') feet.
- b. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.
- c. All items shall be stored inside an enclosed facility.
- d. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
- e. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

**SECTION 7.21 SENIOR HOUSING**

a. Independent and Assisted Living

- 1) For independent living, dwellings may be provided as single-family detached, two-family or multiple family units within a designated site, or development area. The minimum site area requirements for the purpose of calculating density shall be as follows

Dwelling Unit Size	Site Area Per Unit (Sq. Ft.)
Efficiency / One Bedroom	2,000
Two Bedroom	4,000
Each Additional Bedroom	500

- 2) For assisted living, where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in item 1 above shall apply. Where facilities do not contain kitchen facilities within individual dwelling unites, the site area per bed shall be two hundred (200) square feet.
- 3) In consideration of multiple-family buildings, both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting unites, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission and the Board of Commissioners may permit buildings of greater length when it can be demonstrated that architectural design and nature and topographic features ensure that the building is in scale with the site and surrounding areas.
- 4) Building setbacks for all structures shall comply with the following:
  - a) Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
  - b) Internal setbacks for single and two-family dwellings located on an individual lot or site shall be as follows:

Front	25 feet
Rear	35 feet
Least Side	7.5 feet
Total Side/ Between Buildings	20 feet

- c) Internal setbacks for multiple, single family attached and two-family dwellings not located on an individual lot shall be as follows:

	Multiple Family	Single / Two Family
Internal Drives/ Street	25 Feet	25 Feet
Side/Side Orientation	30 Feet	20 Feet
Side/Front, Side/Rear	30 Feet	35 Feet
Front/Front, Front/Rear, Rear/ear	50 Feet	50 Feet

5) Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Dwelling Unit Type	Assisted Living Unit (Square Feet)	Independent Living Unit (Square Feet)
<i>Efficiency</i>	400	500
<i>One Bedroom</i>	550	650
<i>Two Bedroom</i>	700	800
<i>Additional Bedroom</i>	150 per Bedroom	150 per Bedroom

6) The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission and Board of Commissioners may at its discretion, permit up to three stories only if the following conditions are met:

- a) The site contains significant natural resources such as slopes or wetlands
- b) No increase in density shall be allowed
- c) Approval by the local fire authority is required
- d) An increased setback distance is established with respect to each setback required to be increased, including front, rear and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each setback measurement shall be established as part of the approval of the Planning Commission.
- e) In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this ordinance

7) Open space and recreation shall be provided in accordance with the following requirements:

- a) Total open space required shall be a minimum of fifteen (15) percent of the site.



- b) Recreation facilities shall be appropriate and designated to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
  - 8) Accessory and support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly care facility. Such support may include congregate dining; health care; personal services; and social, recreational and educational facilities and programs.
- b. Convalescent Homes

Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.

- 1) The site shall be developed as to create a land-to-building ration on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space.

Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage requirement.

- 2) No building shall be closer than forty (40) feet from a property line.
- 3) The lot location shall be such that at least one property line abuts a paved road. More than one (1) point of vehicle ingress and egress shall be provided directly from this thoroughfare.
- 4) Area for access of emergency vehicles shall be provided for each primary building entrance.

## **SECTION 7.22 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES**

- a. INTENT. There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure, that, these adverse affects, will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

### **b. DISTANCE RESTRICTIONS.**

- 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
- 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.

- c. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- d. **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

- 1) **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
- 2) **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
- 3) **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
- 4) **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

## **SECTION 7.23 TEMPORARY INDOOR AND OUTDOOR USES**

- a. **EXEMPT ACTIVITIES.** School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales in the R-F or any D-1 district are exempt from the special use permits requirements of this section.
- b. **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- c. **LENGTH OF PERMIT.** A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- d. **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
- 1) It is no larger than one hundred and fifty (150) square feet,
  - 2) There is no foundation,
  - 3) No portion of the structure may become unattached or move as a result of wind,
  - 4) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- e. **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:

- 1) There is no foundation,
- 2) No portion of the structure may become unattached or move as a result of wind,
- 3) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- f. **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than three (3) days, within a thirty (30) day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- 1) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
- 2) **TEMPORARY SIGNS.** Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two temporary sign permits may be granted for one parcel in a year.
- 3) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- 4) **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.

- g. **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL.** Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of **NONPROFIT ORGANIZATIONS**, in Chapter 2, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,

- 1) The use is for three (3) days or less within a thirty (30) day period,
- 2) A drawing of the site and description of activity is provided and,
- 3) No structures for display, sale or storage remain on the site other than during the hours of operation,
- 4) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.

- 5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- 6) The temporary use location must meet all yard requirements of the zone in which it is located.

## **SECTION 7.24 WIRELESS COMMUNICATION FACILITIES**

- a. **INTENT AND PURPOSE.** The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,
  - 1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the County,
  - 2) Minimize adverse visual effects of towers through design and siting standards,
  - 3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
  - 4) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
- b. **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
  - 1) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through County staff review.
  - 2) Towers in Residentially zoned areas are only allowed if they are:
    - a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.
    - b) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
      - (1) Church sites, when camouflaged as steeples or bell towers;
      - (2) Park sites, when compatible with the nature of the park; and,
      - (3) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of County owned properties.
      - (4) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the County staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete

details of all fixtures and couplings and the precise point of attachment shall be indicated.

- 3) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.
- 4) Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit under the following situations:
  - a) The County Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:
    - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    - (3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
    - (4) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
  - c. COLLOCATION. Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:
    - 1) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
    - 2) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
    - 3) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the County. The County may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The County may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

- d. TOWER SETBACKS. Towers shall conform with each of the following minimum setbacks requirements:

- 1) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
  - 2) Towers shall not be located between a principal structure and a public street, with the following exceptions:
    - a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
    - b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
  - 3) A tower's location in relation to a public street varied, at the discretion of the County Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
  - 4) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.
- e. **TOWER HEIGHT.** In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200') except as granted by the Zoning Board of Appeals.
- f. **TOWER LIGHTING.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- g. **SIGNS AND ADVERTISING.** The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs is prohibited.
- h. **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.** Abandoned or unused towers or portions of towers shall be removed as follows:
  - 1) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property.
  - 2) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
- i. **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.** No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical

evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the County at least ten (10) calendar days in advance of such changes and allow the County to monitor interference levels during the testing process.

- j. MODIFICATIONS. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:
- 1) The applicant and/or coapplicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
    - a) Change in the number of facilities permitted on the site;
    - b) Change in the technology used for the wireless service facility.
  - 2) The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.
- k. SITE PLAN SUBMISSION REQUIREMENTS.
- 1) General Filing Requirements
    - a) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
    - b) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
    - c) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.
  - 2) Siting Filing Requirements
    - a) A one-inch-equals-forty (40) feet vicinity plan showing the following:
      - (1) Property lines for the subject property.
      - (2) Property lines of all properties adjacent to the subject property within three hundred (300) feet.
      - (3) Proposed security barrier, indicating type and extent as well as point of controlled entry.
      - (4) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet including driveways proposed to serve the personal wireless service facility.
      - (5) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
      - (6) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

- b) Siting elevations, or views at-grade from the north, south, east and west for a fifty (50') foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

### 3) Design Filing Requirements

- a) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- b) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- c) If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

## Section 7.25 Medical Marijuana Special Land Use Permit Standards

### MEDICAL MARIJUANA SPECIAL LAND USE PERMIT STANDARDS

- A. A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of State law, any be permitted through the issuance of a special land use permit pursuant to Chapter 7 of the Gladwin County Zoning, in the specified zones, provided that:
  1. Any uses or activities found by the State of Michigan or a Court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be approved. In the event, that a Court with jurisdiction declares some or all, of this Article invalid, then the Zoning Official shall suspend the acceptance of applications for special land use permits pending the resolutions of the legal issue in question.
  2. At the time of application for the special land use permit, the marijuana facility must be in the licensing process with the State of Michigan, and then must be in compliance with the laws of the State of Michigan, including but not limited to the Michigan Medical Marijuana Act, MCL 333.26421, *et seq*, the Medical Marijuana Facilities Licensing Act, MCL 333.27101, *et seq*, and the Michigan Tracking Act, MCL 333.27901, *et seq*, and all other applicable rules promulgated by the State of Michigan.
  3. At the time of application for a special land use permit (SLUP), the marijuana facility must have the municipality permit application concurrently in process with the special land use permit and site plan approval, and then must be at all times in compliance with the municipality's Ordinance Authorizing and Permitting Commercial Marijuana Facilities and the Gladwin County Zoning Ordinance.
  4. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may **NOT** be permitted as a home occupation/cottage industry or accessory use nor may they include accessory uses, except as otherwise provided in the Ordinance.
  5. signage requirement for marijuana facilities, unless otherwise specified, are as provided in Chapter 6 of the Gladwin County Zoning Ordinance.



6. Buffer zone. A marijuana facility shall not be located within 200 feet of the real property comprising or used by an educational institution or school, college or university, church, house of worship or other religious facility, licensed child care center or preschool, public library, public or private youth activity facility, public or private park, or a residentially zoned property in the D-1 [Large/Small Lot], B1, B2, Industrial and the R/F-Residential Farming [Large and less than one acre] Zone with the minimum distances between uses measured horizontally between the nearest property lines.
7. Security. Medical marijuana permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following:
  - A. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the facility.
  - B. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week.
  - C. A locking safe permanently affixed to the permitted premises that shall store all marijuana and cash remaining in the facility overnight.
  - D. All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, displayed or dispensed outside the facility.
  - E. All security recordings and documentation shall be preserved for at least 48 hours by the permit holder and made available to any law enforcement upon request for inspection.
- B. Outdoor marijuana growers shall be subject to the following standards:
  1. The minimum front, rear, and side yard setbacks for the growing and cultivation of marijuana plants outdoors shall be 100 feet from the lot line.
  2. Marijuana plants must be surrounded by a chain link fence at least eight (8) feet in height.
  3. Marijuana plants shall not be visible from the road or adjacent properties.
  4. No artificial light is permitted except as required for parking.
- C. Indoor marijuana growers shall be subject to the following standards:
  1. Indoor Production: Marijuana production shall be located entirely within one or more completely enclosed buildings.
  2. Lighting: Light cast by light fixtures inside any building used for marijuana production shall not be visible outside the building 7:00p.m. to 7:00 a.m. the following day.
  3. Odor: As used in this subsection, building means the building or portion thereof, used for marijuana production or marijuana processing.
    - A. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through the activated carbon filter.

- B. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
  - C. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - D. An alternative odor control system is permitted if the special use permit applicant submits and the County and the municipality accept a report by a professional engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The County and the municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted. The applicant will be responsible for the cost of the expert.
- D. Marijuana Processors shall be subject to the following standards:
- 1. Marijuana processing shall be located entirely within one or more completely enclosed buildings. All activities of a marijuana processor, including all transfers of marijuana, shall be conducted indoors and out of public view.
  - 2. Odor: As used in this subsection, building means the building or portion thereof, used for marijuana processing.
    - A. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passed through an activated carbon filter.
    - B. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
    - C. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
    - D. An alternative odor control system is permitted if the special use permit applicant submits and the County and the municipality accept a report by a professional engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The County and the municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted. The applicant will be responsible for the cost of the expert.
- E. Marijuana Provisioning Centers shall be subject to the following standards:
- 1. Hours of Operation: A provisioning center may not sell to consumers nor allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 p.m. and 8:00 a.m.
  - 2. Indoor Activities: All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-in window nor drive-up window.

3. Other Activities: Marijuana, alcohol or tobacco products shall not be smoked, ingested, or otherwise be consumed on the permitted property occupied by the provisioning center.
  4. Physical Appearance: The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
  5. Odor: As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
    - A. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - B. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
    - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
    - D. An alternative odor control system is permitted if the special use permit applicant submits and the County and the municipality accept a report by a professional engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The County and the municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted. The applicant will be responsible for the cost of the expert.
- F. Marijuana Safety Compliance Facilities shall be subject to the following standards:
1. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
  2. Odor: As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
    - A. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - B. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
    - C. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
    - D. An alternative odor control system is permitted if the special use permit applicant submits and the Count and the municipality accept a report by a professional engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better that the activated filtration system

otherwise required. The County and the municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted. The applicant will be responsible for the cost of the expert.

- G. Marijuana Secure Transport Facilities shall be subject to the following standards:
1. No vehicle may be used for the ongoing or continuous storage of marijuana, but may only be used incidental to, and in furtherance of, the transport of marijuana.
  2. Vehicles used for the transport of marijuana must be stored indoors when not in use.
- H. Additional Conditions: The Gladwin County Planning Commission may impose such additional terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable laws.

### **SPECIAL LAND USE REQUIREMENTS**

- A. In addition to the items to be provided for a Special Use permit according to Section 8.5, the applicant shall also provide a business operations plan that includes the following:
1. A description of the type of facility proposed and the anticipated or actual number of employees.
  2. A security plan meeting the requirements of this Ordinance and the State of Michigan.
  3. A description by category of all products to be sold.
  4. Material Safety Data Sheets for all nutrients, pesticides, and other chemicals to be used in the facility.
  5. A description and plan of all equipment and methods that will be employed to minimize any impact to adjacent uses, including enforceable assurance that no odor will be detectable from outside the proposed facility.
  6. A plan for disposal of marijuana and related by-products that will be used at the proposed facility.
  7. Agreement by the municipality in which the facility shall be located, that the municipality shall provide inspection services to the County, at municipality expense, for purposes of monitoring the compliance of the facility with the operating requirements set forth in this Ordinance and the Special Use Permit. Upon request, the County shall provide such evidence of authority as may be reasonably necessary for such inspection.

\*Note-This ordinance applies only to Commercial Farms, not residential solar panels.

### **7.26 ALTERNATIVE ENERGY FARMS**

a. **INTENT AND PURPOSE.** To allow and promote the use of alternative energy within the County as a clean alternative energy source and to provide associated placement, land development, installation, and construction regulations for alternative energy farm facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements for alternative energy farm facilities, while promoting renewable energy source in a safe, effective, and efficient manner.

- B. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS. Alternative energy farms shall comply at all times with applicable County, State and Federal requirements, including all necessary permits and licensing. Facilities shall be constructed according to the adopted building code for the State of Michigan. Failure to comply with such regulations shall be considered a violation of this ordinance.
- C. MINIMUM LOT SIZE. There is no minimum lot size. Each alternative energy farm is permitted as a special land use which review will consider its compatibility with the surrounding area.
- D. SETBACK REQUIREMENTS. The setbacks for Alternative Energy Farms are listed in the table below. The Planning Commission may require additional setbacks as part of a conditional land use approval.

	Solar	Wind
Front	50 ft	1.5 times blade at highest point
Side	50 ft	1.5 times blade at highest point
Rear	50 ft	1.5 times blade at highest point
From Residential Districts or Sites Containing Residential Uses	50 ft	1.5 times blade at highest point
Setbacks from Residential Structures	50 ft	1.5 times blade at highest point
Distance from Non-Residential Structures	50 ft	1.5 times blade at highest point

E. HEIGHT RESTRICTIONS.

1. Freestanding solar collection devices shall not exceed 30 feet in height.
2. Roof mounted solar collection devices shall not extend more than 2 feet from the top of the roof. The total height of the building including the solar collection device shall not exceed 30 feet.
3. Commercial wind energy conversion systems shall not exceed 200 feet in height. Tower blades may not extend closer than 30 feet to the ground.

F. FENCING AND STORAGE.

1. All wind energy towers shall be fenced to prevent trespass.

2. Where needed for safety and security, the Planning Commission may require fencing around the entire perimeter of the farm.
3. At a minimum, equipment and materials, whether temporary or permanent, used to maintain or operate the farm shall be housed in a completely enclosed building.
4. The Planning Commission may allow outside equipment where it is necessary to the operation, or where no other feasible alternative exists, such as for solar panels. In such cases, equipment shall be fully enclosed within a fence at least 6 feet in height.
5. Fencing shall be setback far enough off property lines to maintain the property without trespassing on adjacent property.

#### G. LANDSCAPING.

1. The special land use applications shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-way. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Trees shall be a minimum of 4 feet tall at time of planting and shall remain in good condition for the life of the Farm.
2. Solar Farms shall include screening, capable of providing year- round screening, shall be provided along non-reflective axis of the solar collection device or collection devices.
3. Lighting shall be prohibited, except as may be required by another regulating agency, or where the Planning Commission finds it necessary for security or safety purposes.
4. All structures, including those, accessory to the operation, shall be constructed in accordance with the requirements for principal structures.
5. Access/Driveways: Access to Alternative Energy Farms shall be paved with a durable hard surface, such as asphalt or concrete. The Planning Commission may modify this requirement for driveways that are not expected to generate more than one service call per day.

#### H. PERFORMANCE STANDARDS.

1. Alternative Energy Farms shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. Where possible, a rust-resistant, non-obtrusive color and finish shall be used on visible towers and equipment.
2. Alternative Energy Farms shall be designed, sited, and operated in such a manner to minimize shadow flicker on a roadway. In addition, the Alternative Energy Farm shall be designed, sited, and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the Alternative Energy Farm is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the Alternative Energy Farm is erected.
3. The applicant shall demonstrate that an Alternative Energy Farm will not unreasonably interfere with the use of or view from, sites of significant public interest, such as a park or civic building.

4. Use of guy wires is prohibited.
5. Alternative Energy Farms operations shall not exceed 60dBA as measured from the property line

I. REMOVAL OF ABANDONED FACILITIES.

1. Alternative Energy Farms not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove all equipment and materials associated with the operation within 90 days of receiving abandonment notification from the County. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the County to remove such items at the owner's expense.
2. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

J. SUBMITTAL REQUIREMENTS. The following information shall be submitted to the County, in addition to the information required for special land use and site plan review.

1. Manufacturer's specification sheets, including specific engineering tests that verify the safety of proposed systems.
2. Elevation drawings showing the height, color, and design of all buildings, structures, and visible equipment.
3. Engineering drawings showing compliance with the Building Code and certified by a licensed professional engineer.
4. Siting elevations, existing photography, and a photo simulation of the proposed visual impacts.
5. A narrative that explains how the site will not unreasonably interfere with the use of or view from sites of significant public interest, such as a park or civic building.
6. The Planning Commission may require a visual impact assessment to determine the visual impact of the farm on scenic views.
7. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
8. Any additional information as may be required by the Planning Commission as appropriate, to demonstrate compliance with the regulations.
9. Proof of liability coverage naming the County of Gladwin as a certificate holder.
10. A sound pressure level modelling and analysis study.
11. An environmental impact analysis.
12. An avian and wildlife impact analysis.
13. A shadow flicker analysis.





## Chapter 8 ■ Site Plan Review

### SECTION 8.1 SITE PLAN REVIEW

a. Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This Section defines the procedures and standards to be used for such a review.

- 1) SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The County Planning Commission must review and approve site plans before granting approval to Special Use Permits.

In the case of new development, Site Plan Review before the County Planning Commission is required for any project meeting one of the following conditions:

- a) The proposed project will have more than two (2) dwelling units.
- b) The proposed project is in a Business Zoning District.
- c) The proposed project is in an Industrial district.

In the case of existing structures or uses, a Site Plan Review by the Planning Commission is required when: (**accessory structures** in Business and Industrial zoning districts can be granted approval by the Zoning Administrator)

- d) The project involves increasing the footprint by ten (10%) percent or more of any residential structure with more than two (2) units.
- e) The project involves increasing the footprint or total living space by more than twenty-five (25%) percent of any residential structure located in a Business or Industrial zoning district. If the increase is less than 25%, the Zoning Administrator can grant approval.
- f) The proposed project is in a Business Zoning district, **except as noted in e above**. **Accessory structures** are exempt and can be granted approval by the Zoning Administrator.
- g) The proposed project is in an Industrial Zoning District, **except as noted in e above**. **Accessory structures** are exempt and can be granted approval by the Zoning Administrator.
- h) The project involves expansion of a legal nonconforming use, building or structure under the terms of this Ordinance, **except as noted in e above**. (Illegal or unacceptable nonconforming uses may not expand).
- i) The project is a Special Use.

At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the County, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

b. SITE PLAN REVIEW PROCESS.

- 1) **APPLICATION DEADLINES.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (21) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.
- 2) **APPLICATION MATERIAL.** Applications requiring Site Plan Review must be accompanied by a fee as established by the County Board and by at least four (4) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.
- 3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist is available at the County offices. Site plans shall conform to the provisions approved on the checklist.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Gladwin County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6") inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.
- f) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is

determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- g) UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h) STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i) SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- j) PERFORMANCE BOND. Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the County Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The County shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the County Administrator. The County Board Chair may, at his/her discretion, call upon professional assistance from the County Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the County to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

#### 4) STAFF REVIEW OF SITE PLAN.

- a) PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the County Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and

comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of County government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.

- b) **STANDARDS TO BE USED.** Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
- 5) **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the County Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:
- a) **APPROVAL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
  - b) **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission.  
  
Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Gladwin County Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission.
  - c) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- 6) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from

an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder immediately, the County Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee may be fully refunded.

- 7) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

- c. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- 2) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- 3) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.

- 4) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- 5) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- 6) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- 7) **UTILITIES.** Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- 8) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas.
- 9) **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- 10) **ENVIRONMENT.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
- 11) **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- 12) **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose

of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in Chapter 3.

## Chapter 9 ■ Administration & Enforcement

### SECTION 9.1 PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Gladwin County Planning Commission, the Zoning Board of Appeals, the County Board of Commissioners and the County Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

#### a. ZONING ADMINISTRATOR:

The County Board of Commissioners, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Board of Commissioners. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the County Board or provisions of this Ordinance:

- 1) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table in this Section). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- 4) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 5) **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- 6) **PUBLIC INFORMATION.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- 7) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall



provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.

- 8) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

b. **PLANNING COMMISSION:**

- 1) **MEMBERSHIP.** The Planning Commission shall be composed of seven (7) members, comprised of
  - a) One member of the County Board selected by the Board Chair as an ex officio member,
  - b) One member of the educational community,
  - c) Five residents of the County, representing, insofar as possible, different professions or occupations, who shall be appointed by the Board Chairperson, subject to the approval of a majority of the members elected to the Board.
- 2) **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- 3) **RULES OF PROCEDURE.** The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- 4) **FUNCTION:** The duties of the Planning Commission shall be as outlined in Public Act 110 of 2006, commonly known as the Michigan Zoning Enabling Act.
- 5) **MEETINGS.** The Planning Commission shall meet monthly and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
- 6) **PER DIEM OR EXPENSES.** Members of the Planning Commission may be compensated for their services as provided by the County Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
- 7) **MASTER PLAN/DEVELOPMENT PLAN.** The Planning Commission shall make and adopt a master plan as a guide for the development of the County. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to the Michigan County Planning Act, PA 282 of 1945, as amended.
- 8) **ZONING ORDINANCE.** The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- 9) **ADMINISTRATION AND ENFORCEMENT.** The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
  - a) **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
  - b) **SPECIAL USE PERMITS.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission

shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.

- c) **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the County Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and County Board approval.
- c. **COUNTY BOARD OF COMMISSIONERS:** On recommendation of the Planning Commission, the County Board has adopted the Zoning Ordinance, making it the enforceable policy of County government. Likewise, the County Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The County Board may review all zoning decisions of the Planning Commission. The County Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Board may also act to waive any fee.

## **SECTION 9.2 ADMINISTRATIVE PROCESSES**

- a. **APPLICATION:** Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a certificate of zoning approval from the Zoning Administrator. No permit shall be required for the erection or installation of a fence unless specifically provided. Applications shall be made in writing upon forms provided by the County. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.
- b. **ISSUANCE OF CERTIFICATE:** If the Zoning Commission finds the application conforms to the requirements of this Ordinance and other applicable law, the zoning permit shall be issued, with one (1) copy filed with the Construction Codes Department, one (1) copy retained by the Zoning Administrator, and one (1) copy delivered to the applicant stating the terms of the permit, which shall be attached to and remain on the construction site during the progress of the work authorized. If a building permit is also required for the project, posting the building permit alone will satisfy this provision and the zoning permit need not be posted. Such zoning permit shall be valid for twelve (12) months from the date of issue but may be renewed subject to the terms of the Ordinance then in effect. The Zoning Commission shall have the power to revoke any certificate in case of failure or neglect to comply with any provisions of this Ordinance, or in case of false statement or misrepresentation made in the application, or to correct an error, all with an opportunity provided to the permit holder to show cause why the revocation should not occur. The owner of the premises shall be notified of such revocation.

In those cases where a zoning permit is required for a project but a building permit from the Construction Codes Department is not required (i.e. erecting specific agricultural structures), the Zoning Administrator shall forward a copy of the zoning permit, or otherwise give written information of the project, to the appropriate County assessor in order to assure that the new structure or new use is added to the assessment records.

- c. **FEES:** The Gladwin County Board of Commissioners may require the payment of reasonable fees for zoning permits as a condition for permission to use property or to use, erect, alter, or locate structures within a zoning district. This fee shall be established by resolution of the Gladwin County Board of Commissioners.

- d. APPLICATION REVIEW PROCESS. On submission of an application for a site plan, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table that accompanies this Section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- e. RECORD MAINTANED. The zoning administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.
- f. VALIDITY OF BULDING PERMIT. The regulations of Gladwin County shall govern the validity of a building permit.
- g. VOIDING OF BUILDING PERMIT. The regulations of Gladwin County shall govern the voiding of a building permit.
- h. INITIAL REVIEW PROCESS TABLE. This Table follows on the next two pages.

**TABLE 9: INITIAL REVIEW PROCESS**

QUESTION	REFER TO	IF ALL STANDARDS ARE MET, NEXT STEP	----IF STANDARDS ARE NOT MET----		
			SITUATION	APPLICANT'S OPTIONS	NEXT STEP
#1 Is proposed activity permitted in this Zoning District?	Chapter 3 - District Regulations: USES Table.	Activity is a Use by Right: Go to Question #2. OR Activity is a Special Use: Go to ACTIONS Table: SPECIAL USE Permit. Continue to Question #2.	Activity is permitted in a different Zoning District.	Request a Re-zoning.	ACTIONS Table: Rezoning
			Activity is not listed for any Zoning District.	Request an Interpretation Appeal.	ACTIONS Table: INTERPRETATION
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL
			Any situation	Withdraw	DENIAL LETTER
#2 Does the parcel meet standards for this Zoning District?	Chapter 3 - District Regulations: DIMENSIONS Table - "Lot Size".	Go to Question #3.	Any situation	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
			Applicant does not agree with Administrator's finding.	Withdraw	DENIAL LETTER
				Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL
#3 Does existing or proposed structure or building meet yard and area standards?	Chapter 3- District Regulations: DIMENSIONS Table	Go to Question #4	Existing facility violates standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
				Continue with process as is.	NONCONFORMITIES
			Proposed facility will violate standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
				Amend Application to meet all standards.	Go To Question #4.
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL.
			Any situation	Withdraw	DENIAL LETTER

QUESTION	REFER TO	IF ALL STANDARDS ARE MET, NEXT STEP	----IF STANDARDS ARE NOT MET----					
			SITUATION	APPLICANT'S OPTIONS	NEXT STEP			
#4 Will proposed activity meet parking requirements?	Off-Street Parking Requirements.	Go to Question #5.	Existing facility violates standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE			
				Continue with process as is.	Section 401 – NONCONFORMITIES.			
			Proposed facility will violate standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE			
				Amend application to meet all standards.	Go to Question #5.			
				Withdraw	DENIAL LETTER.			
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL			
#5 Will proposed activity meet all Supplementary Regulations?	Chapter 4 - Supplementary Regulations.	Go to Question #6.	Proposed activity will violate measurable standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE			
				Amend application to meet all standards	Go to Question #6.			
				Withdraw	DENIAL LETTER			
			Proposed activity will violate non-measurable, written standards.	Request a Text Change.	ACTIONS Table: TEXT CHANGE			
				Amend application to meet all standards.	Go to Question #6			
				Withdraw	DENIAL LETTER			
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL			
			#6 Has permit fee been paid?	County Fee Schedule	ISSUE PERMIT	Fee represents a serious hardship to applicant	Request a Fee Waiver	ACTIONS Table: FEE WAIVER
							Withdraw	DENIAL LETTER

### SECTION 9.3 ENFORCEMENT

This Ordinance shall be enforced by the Zoning Administrator for the County of Gladwin.

- a. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- b. **VIOLATIONS AND PENALTIES.** Any building or structure which is erected, altered, maintained, or used or any use of land which is begun, maintained or changed in violation of this Ordinance is hereby declared to be a nuisance per se. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision shall be fined, upon conviction, not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00) together with the cost of prosecution, or may be both fined and imprisoned, with the term in jail up to ninety (90) days being established by the Judge of the Court of competent jurisdiction. Each and every day which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- c. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

### SECTION 9.4 AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by Public Act 110 of 2006, as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the County Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. **AMENDMENT PROCEDURE:**
  - 1) **PETITION TO THE ZONING ADMINISTRATOR AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the County Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Zoning Administrator shall transmit the application to the Planning Commission for recommended action.
  - 2) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
  - 3) **PUBLIC HEARING** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
  - 4) **RESUBMITTAL.** No application for a rezoning that has been denied by the County Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of

newly discovered evidence or proof of changed conditions which, upon inspection by the County Board, are found to be valid.

- 5) Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

### **SECTION 9.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS**

- a. Except as otherwise provided under this act, if a local unit of government is required to provide notice and hearing under this act, the local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- c. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - 1) Describe the nature of the request.
  - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3) State when and where the request will be considered.
  - 4) Indicate when and where written comments will be received concerning the request
- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner.
- e. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

# Chapter 10 ■ Zoning Board of Appeals

## SECTION 10.1 ESTABLISHMENT

The County Board, exercising the authority of Act 110 of the Public Acts of 2006, as amended, hereby provides that a County Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

## SECTION 10.2 MEMBERSHIP

The Gladwin County Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Gladwin County Planning Commission, one member may be a member of the County Board of Commissioners, and the remaining members shall be selected and appointed by the County Board of Commissioners from among the electors residing in the unincorporated area of the County. An elected officer of the County may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the County Board of Commissioners may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the County Board of Commissioners for nonperformance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.

The County Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

A per diem or reimbursement for expenses actually occurred shall be allowed to the Board of Appeals and shall exceed a reasonable sum, which shall be appropriated annually in advance by the County Board.

## SECTION 10.3 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or County Board, whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or County Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A County Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

## SECTION 10.4 BOARD OF APPEALS PROCEDURES

- a. MEETINGS. Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any



meeting, a study meeting to pursue matters of business with out comment or interruption from the public in attendance.

- b. RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the County Clerk and shall be public records.
- c. RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

### **SECTION 10.5 APPEALS, METHOD FOR TAKING**

Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the date of the Zoning Administrator's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the County Board to cover costs of processing such appeal.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the County. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

### **SECTION 10.6 DECISIONS**

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

## SECTION 10.7 DUTIES

The Gladwin County Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.

- a. REVIEW. The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.
- b. INTERPRETATION. The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this ordinance as follows:
  - 1) So as to carry out the intent and purposes of this ordinance.
  - 2) To determine the precise location of the boundary lines between zoning districts; or,
  - 3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- c. VARIANCES. The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED the majority of the basic conditions listed can be satisfied.
  - 1) Basic Conditions
    - a) That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone.
    - b) That literal interpretation of the provisions of the Gladwin County Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone under the terms of the Gladwin County Zoning Ordinance.
    - c) That special conditions or circumstances do not result from the actions of the applicant.
    - d) That the authorizing of such variance will not be contrary to the spirit and purpose of the Gladwin County Zoning Ordinance.
    - e) That the authorizing of such variance will not be contrary to the spirit and purpose of the Gladwin county Zoning Ordinance.
  - 2) Rules for Granting of Variances: The following rules shall be applied in the granting of variances.
    - a) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.
    - b) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.

- c) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- d) In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
- e) The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

### **SECTION 10.8 LIMITATIONS**

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this ordinance, change permitted uses in a district, nor may it determine the validity of this ordinance.

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